LETTERS ON CHRISTIAN DOCTRINE.

A. M. D. G.

LETTERS

ON

CHRISTIAN DOCTRINE

(SECOND SERIES)

THE SEVEN SACRAMENTS

PART II

THE SACRAMENT OF EXTREME UNCTION AND LAST RITES, THE SACRAMENT OF HOLY ORDERS, AND THE SACRAMENT OF MATRIMONY

BY

F. M. DE ZULUETA, S.J.

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PREFACE.

In laying before his many kind readers the second instalment of 'Letters' on the Seven Sacraments, the author wishes to remind them once again that these volumes on Christian Doctrine in no way pretend to form a complete Manual of Theology. Although they may, and—unless Dame Rumour say far more than her prayers—actually do, prove of use to busy priests by supplying ready materials for instruction to their people, yet their main purpose is to popularize theology for the laity, and particularly for lay or non-priestly instructors.

In the present volume it has, of course, been necessary to deal with that increasingly momentous Sacrament—Holy Matrimony. The author has been fully conscious of the delicacy of this part of his subject, but not less alive, also, to the slender instruction concerning it so often to be noticed even among Catholics.

Now, here it would have been quite easy, and far more pleasant, to deal in mere pious generalities. But such a policy seemed utterly useless in a work of practical instruction, and even unconscientious —if not positively misleading.

The publicity given nowadays to questions as

to the relations between the sexes—whether we deplore it or not—is a fact to be reckoned with. Nor can even younger folk so easily escape becoming prematurely—if vaguely—acquainted with such matters. This results from freer companionship with their elders, the ubiquitous activity of the printing-press, and to the great difficulty of exercising due control over their liberty of reading.

On the whole, then, it seemed to the author that his choice lay, not between silence and speech, but between an endeavour, on the one hand, to convey a sufficient knowledge of Catholic moral principles, and, on the other, withholding a needful antidote to the false notions that are current at the present time. He hopes, however, to have succeeded, with the help of the Sinless Mother, in an earnest effort to combine necessary definiteness with substantial reserve.

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MOUNT ST. MARY'S COLLEGE, NEAR CHESTERFIELD.

Feast of the Immaculate Conception, 1908.

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LETTERS ON CHRISTIAN DOCTRINE

SECOND SERIES

THE SEVEN SACRAMENTS

PART II.

THE SACRAMENT OF EXTREME UNCTION AND LAST RITES.

No. I.

ON RECEIVING THE LAST SACRAMENTS.

We have already noticed, under Confirmation, how the loving care of Christ for the souls of His redeemed has provided a Sacrament for each of the chief phases and needs of our spiritual life.

The Sacrament of Extreme Unction, or Last Anointing, was instituted by Christ for aiding the Christian soul in its dreadful passage into the next world at the hour of death. It is rightly called the 'last' anointing, for other anointings will, in the ordinary course, have preceded—in the ceremonies of Baptism and Confirmation, and (possibly) in the rite of priestly ordination.

Last rites.

Extreme Unction is one of the group of 'Last Sacraments,' or 'Last Rites'—those powerful helps by which the tender Bride of Christ and spiritual mother of all Christians smoothes and sanctifies the pillow of her departing child; and it is the instinct of a thorough Catholic, in time of dangerous sickness, to seek the ministrations of that watchful mother in the first place, and the succours of human science for a bodily remedy in the second. For the immortal soul is more than the perishable body. Thus a devout Catholic layman, bearing an honoured English name, who died in 1906 in ripe old age, and had been taken suddenly ill in the night, told a sympathetic non-Catholic visitor the following morning that he had had to send for the doctor. 'But,' he added naively, 'I sent for the priest first.' Taken in its fullest sense, the term 'Last Sacraments' includes Confession, Holy Communion received as 'Viaticum'—*i.e.*, 'provision for the journey'—and Extreme Unction. As a complement to these three there follows the 'Last Blessing,' or Papal Blessing, with a Plenary Indulgence attached, obtainable on certain conditions. Though this Blessing may be given some time before death, it does not take effect until the actual moment of death. But more will be said of this rite under a special heading, when Extreme Unction has been fully discussed.

The Sacrament of the dying.

Among 'Last Sacraments,' the Anointing is evidently the chief and *most distinctive*, since it has been expressly instituted to meet not merely the spiritual needs, but also the varying physical

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states, of the dying. For it is evident that the condition of the patient may preclude the possibility of administering to him the other two—Confession (except in the rather unsatisfactory form of conditional absolution), because power of speech (or sign-making) and even consciousness may be lacking; and Holy Communion, both on account of unconsciousness and inability to swallow in certain maladies. Moreover—as regards Holy Viaticum—there may not be time to fetch the Blessed Sacrament from some distant church or chapel, whereas the Holy Oils may be more readily at hand. Extreme Unction, on the other hand, can and, speaking generally, ought to, be given to every unconscious Catholic in danger of death from sickness, even though he may have given up the practice of his faith, and perhaps declared during life that he wanted no Catholic priest bothering around his death-bed. For one never knows whether he may not have secretly changed his mind, or whether his irreligious speeches were not mere bravado.

Dread of death.

No one likes to face the inexorable fact that he is dying—not even the fact that he is doomed to die before very long of some hopeless malady which has plainly declared itself. The instinct of self-preservation is strong within us all, quite apart from the moral grounds we may have for fearing the Private Judgment, which must follow immediately upon our dissolution.[1] But whether

[1] That each soul is to be judged individually immediately after death is not a defined article of faith; but no Catholic

these moral reasons for dreading death exist, or whether, having existed, a sincere repentance has replaced them by a firm and humble confidence in God's mercy, that other *physical* repugnance to dissolution, or perhaps rather to the pains and physical experiences that may precede it, will generally remain even with the holiest—that is to say, until the Sacraments have subdued the repugnance with their graces of patience and resignation to the Will of God. That physical dread of death, common to saint and sinner alike, is natural; nay, it is a gift from God, good and useful. It is told of an aged and infirm member of our English Episcopal Hierarchy that, on being asked how he regarded the approach of death, he said: 'My belief is that God gives to men a strong fear of death in order to induce them to take care of their lives for as long as He means them to live; but that when the hour appointed by Him has arrived, He takes away the desire of life in order that men may more easily die with conformity to His Holy Will.' And this appears to be true. Priests on the mission will probably not be able easily to recall cases in which, when the end was near at hand, they could perceive signs of any great moral reluctance to dying. Probably experience will also have led them to the conclusion that the very fact of a

is at liberty to deny this universal belief of the Church, which is, moreover, implied in an *explicit* definition to the effect that the lost go *at once* to their punishment. Punishment presupposes the sentence. Denzinger, nos. 456, 588.

patient's ceasing to desire life is one of the surest *moral* signs of approaching dissolution, in spite of a contrary forecast on the part of physicians, based upon physical symptoms.

Confidence in Divine mercy.

The mere physical fear of death, then, is no bad sign in anyone, while the moral fear of appearing 'before the tribunal of Christ to give an account of deeds done in the flesh' must be met by humble penitence, and a *blind* confidence in the mercy of the Sacred Heart, in spite of every consideration tending towards despair. However bad we may have been, human malice, and, still more, human weakness in sinning, is necessarily finite and limited; but the mercy of God is *infinite*. The greatest Saint alive must at the end perforce throw himself unreservedly on God's mercy: 'For if Thou, O Lord, shalt mark iniquities, O Lord, *who* shall endure it?'[1] And at the catafalque of some saintly Carmelite novice, barely past her teens, as well as at that of the lifelong blasphemer and profligate, mercifully rescued from the burning by a sincere death-bed repentance, the Church prays equally: 'Enter not, O Lord, into judgment with Thy servant, for in Thy sight no man living shall be justified!'[2] 'Into Thy hands, O Lord, I commend my spirit; Thou hast redeemed me, O God of truth.'[3] Such is the prayer with which, day by day, Mother Church, in her Divine Office, lulls her children to that sleep which is the type of death.

[1] Ps. cxxix. 3. [2] Burial Service.
[3] Responsory at Compline.

So, once the erring sheep has been led back to the fold of grace by repentance, however tardy, it may safely commit its cause to the tender care of a Good Shepherd Who did not spare His own heart's blood in order to save it—the ever-truthful, faithful God Who declared: 'Him that turneth to Me I will not cast out,'[1] and 'The wickedness of the wicked shall not hurt him, *in whatsoever day* he shall turn from his wickedness.'[2]

A great dread of death during life is often succeeded by great peace and confidence when death actually knocks at the door. A certain excellent religious, who died in England some fifty years ago, was unable, while in health and strength, so much as to bear the mention of the word 'death.' Yet, when his hour drew nigh, all dread had vanished. And if it be replied, 'Yes! but he was a religious, and an exemplary one,' this retort cuts both ways, since the example proves that there may be great fear of death in life without the presence of any moral depravity to explain it.

Putting off Sacraments.

The fear of death, then, may be expected in everyone and it is likely to be present in force at the beginning of a mortal sickness, if the patient be in possession of his faculties. The latter is, therefore, prone to deceive himself as to the seriousness of his condition, and to wish spiritual administrations to be put off. Then, some people are a prey to the superstitious delusion that, once they have received the Last Sacraments, they are

[1] John vi. 37. [2] Ezech. xxxiii. 12.

bound to die, as though not to do so would be a breach of contract, a shirking of their part of the bargain.

This notion is simply foolish, not to say a virtual ignoring of the Church's doctrine concerning the hope *of recovery* contained in the Last Anointing. It is, moreover, an estimate of probabilities which receives small confirmation from priestly experience in attending the sick. Among sick people, who wisely receive Extreme Unction *in good time*, those who obtain a fresh lease of life are found to be almost as numerous as those who die: at least, the percentage of recoveries is a large one. At all events, it stands to common sense that Extreme Unction will not kill a person! The only bearing it can have upon bodily health is that—subject to God's good pleasure—it will restore the same. In order to disabuse anyone of this common delusion with quiet reasoning, it might be well to point out to the resisting invalid that what he or she is really alarmed at is not the Anointing, but the precarious condition of health which fitness for the Sacrament betokens, and that its reception cannot possibly alter that state of things except, it may be, greatly for the better. Its folly.

Unfortunately, patients under this hallucination are too often encouraged in it by those about them, to their great mischief. 'The enemies of a man are those of his own household' is a word of Scripture that too often has its verification in dangerous illness. Perhaps it is that near relations have their eyes blinded by the intensity of their Enemies of the household.

love, or refuse to face the distressing consequences that death of a loved one may bring, and so they cannot see the truth because they dare not look at it. Then, again, those who are in constant attendance upon the sick, unless they be trained nurses having only a professional interest in the case, do not notice the change for the worse that is taking place so gradually, while an intermittent visitor would perceive it at once. Often enough a Catholic might have died without a priest but for the chance call of a friend, who at once noticed the great alteration which had occurred since the previous visit, and warned the family.

Doctors and priests.

Further, not all medical men realize the heavy and unauthorized responsibility they take upon their shoulders by lulling to sleep with reassuring platitudes the well-grounded and openly expressed fears of patients, or of the patient's relations, though knowing all the while that the end is near. What we may describe as the anticlerical physician, occasionally to be met with, is a great danger in this matter. If a word be breathed in his hearing about sending for a priest, the suggestion is pooh-poohed or strongly negatived, on the score that 'it will frighten the patient'; yet, when there is money or property to be made safe, the lawyer's visit seems to be regarded as quite unobjectionable, though it will call for much greater mental effort than priestly ministrations.[1] (These are not

[1] Medical objections to the priest may be partly founded on religious ignorance, and upon a false notion as to the

imaginary happenings, reader.) Yet all the while the poor patient may be in fear of slipping through the gates of death unshriven and unanealed, and be also diminishing his chances of recovery by silently enduring the strain of spiritual terrors, which a word from the priest, or at least the potent grace of the Sacraments, would dissipate. It is the suspense suffered until the priest arrives, and not the priestly treatment, that is likely to prove the greater drain upon failing strength. Some other physicians, on the contrary, although not always conspicuous for their belief in Christianity of any sort, are nevertheless intelligent enough to learn from their dealings with Catholic patients that the priest is in reality their best ally. 'Now, you must zend vor your priest' was the usual advice given by a Jewish agnostic doctor to Catholic patients when danger had declared itself. The present writer owes it to the friendly, unofficial visit of a Freemason medico that he was able to perform the last ministrations for a soul in great need. Another twenty-four hours, and it would have been too late.

Duties of the physician.

We are not suggesting that it is the duty of a doctor, as such, to see to the spiritual needs of his patients, though the writer recalls one who was wont to mix Evangelicalism with his prescriptions to a Catholic youth. If the physician be a

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amount of active co-operation on the part of an enfeebled patient demanded by Catholic Rites. These show their Divine origin by their adaptability to the weakest of invalids.

disbeliever in Catholicism, non-interference in the priest's domain still remains his obvious duty. But if both he and his patient be Catholic, he is still bound as a *Christian* by the law of charity, according to which he ought to seek some opportunity for putting in a tactful word in behalf of the spiritual interests of his patient, *when he sees them in danger of being neglected*, provided he can do so without any serious personal inconvenience or prejudice to his profession. The doctor or a nurse may not prescind on principle from the fact that he or she is in the first place a Catholic, any more than may the Catholic politician or statesman. If he does so, it is evident that he is putting this world and its interests first, and the next world second: in a word, this is pure *worldliness*. We shall not be examined at the Judgment Seat, so to say, in water-tight compartments. We shall be taken as a whole, and questioned as to how far we have carried on our worldly avocations in conformity with the teaching of our Faith and with the Commandments. That, and nothing less, is what we mean when we declare that the one end for which God placed us in this world was to save our souls by loving and serving Him. Whatever conflicts with this, the great purpose of life, must go by the board if we would not be spiritually shipwrecked.

The non-Catholic doctor.

Even though the physician in attendance on a Catholic be not a Catholic himself, he must still perceive the wrong of meddling with the con-

scientious obligations of his patient. Nor would a Catholic doctor be justified in hindering a non-Catholic patient from having recourse to the religious ministrations in which he conscientiously believes. For every man is bound to obey his conscience (even though that conscience happen to be misinformed), and no one has a right to prevent him from carrying out its behests, when these merely affect his own conduct, and do no violence to the consciences or rights of others. We Catholics are indeed forbidden to take any *direct part* in non-Catholic religious rites—an act which would be a virtual denial of the one only true faith and worship, and would, moreover, give scandal to others. But this is quite different from interfering in order to withhold those rites from people who conscientiously believe in them as ordained by God. Thus, while I may not ask a non-Catholic minister to perform this or that non-Catholic ceremony, nor help him personally while actually performing it, as a server or assistant, still, I am not forbidden to let him know that a member of his flock is ill and desires his attendance. This is a point that concerns nurses of the sick.

Hindering the priest.

It is a highly dangerous thing for anyone to hamper the priest, when plainly desirous to approach the sick person on the subject of Last Sacraments, or at least to lead his thoughts gradually in that direction, when there is no immediate urgency. One does not like to make an argument out of the personal trouble that may

be caused the priest, since something indefinitely more important than priestly convenience is at stake in this matter—namely, the safe passage of a soul to the shores of eternity. Nevertheless, great and wholly unprofitable fatigue, waste of time, and harrowing anxiety may be created for the priest by the whims and caprices of people regarding the precise psychic moment for allowing him to broach the subject of Last Sacraments to the invalid.

Family alarms.

When great alarm prevails in a family at the priest's ominous visit in time of grave illness, it will often be found to exist mostly on the side of the relatives, and far less on the side of the sick person. Here is an instance: Family terrified at the probable effect of priest's ministrations on the patient. Interview (after overcoming many family objections) between priest and the sick person:

PRIEST (*after some preliminary inquiries*). 'I am sorry to find you so very ill. Do you know there is something that will benefit you greatly?'

INVALID. 'Ah! and what is that?'

PRIEST. 'Why, Extreme Unction' (*healing effects then explained*).

INVALID. 'Do you think that will be good for me?'

PRIEST. 'Certainly.'

INVALID (*promptly*). 'Then I'll have it.'

And this was the end of it, and the patient recovered!

A curious excuse.

Here is an odd experience for a priest to encounter: Some member of the household is dangerously ill. The priest, well aware of the fact, or perhaps actually sent for by the sick person, arrives at the house. He is put off with the unwittingly humorous remark: '*He is not well enough* to see you to-day.' The priest wonders whether he will ever be any better, and, if not, how he is ever to get the Last Sacraments.

Bad Catholics.

Worst of all, bad Catholics are to be met with occasionally who studiously keep the priest away from a dying person by means of strategy and lying, and who, if at last brought to bay, flatly refuse him access to the sick-bed. This is wickedness not far removed from that of the Belgian 'Solidaires,' a diabolical secret society in actual existence, the members of which are sworn to prevent any of their number from having a priest at death, no matter how earnestly he may beg for one, under the influence of returning grace, in order to reconcile himself to God.

Non-Catholic husband or wife.

The case of mixed religions in a family is somewhat different. One of the penalties which a dying Catholic has at times to pay for a 'mixed marriage' is that the Protestant half omits to warn the priest in time, being simply ignorant of the nature of Sacraments, or persuaded that they are useless to a prostrate or unconscious person. Or perhaps the non-Catholic half meets the anxious request that a priest be sent for with the consciously false assurance: 'Don't worry; you will soon be better again.'

The aggressive Protestant.

There is the more aggressive type of Protestant, or non-Catholic, who thinks he will please God by preventing a 'Romish' priest from performing his 'superstitious mummeries' over a dying Catholic, as if any good end could be obtained—even from a non-Catholic point of view—by defrauding a believing Catholic, against his will, of what he conscientiously holds to be necessary preparation for appearing before his Maker! This would be quite as fatuous as for a Catholic to hinder a convinced Protestant from securing the attendance of his clergy.

Delay an unsound policy.

One of the drawbacks of delaying to send for the priest till the last moment is that such a course thwarts the very purpose generally held in view—that of not alarming the dying person unnecessarily. The alarm is likely to prove in the end all the greater. Take the case of a person who is evidently dying, but whose life is known to have been anything but a good preparation for death. Persuading himself that his case is not as desperate as people imagine, he is unwilling to make a sincere confession of his sins. Now, in such circumstances the priest has no choice but to tell the procrastinator the whole truth, and warn him of the consequences of delay, in the hope that the fear of God may induce him to do his duty before it is too late. Yet if summoned at the last moment, when death is imminent, the terrible news has to be broken more or less suddenly. There is no room for diplomacy. Had more time been allowed, the priest might have

paid a preliminary visit, gradually have led up to the subject of preparation for death, and so have softened the shock. Then, again, at an earlier stage he might have been able truthfully to tell the invalid that he did not despair of a recovery, but only wished to administer the Sacraments as a prudent precaution.

How to act.

Hence, if those responsible for the dangerously sick wish not merely to act as good Catholics and in the spiritual interest of invalids, but also to do the best possible for their recovery, they will—(*a*) insist on the doctor's telling them the whole truth about the state of patients; (*b*) let the priest know on the first suspicion of danger; and (*c*) leave the ultimate decision as to the time for suggesting and imparting the Sacraments *entirely* to the priest, without let or hindrance, for he is the person primarily responsible for their administration.

No. II.

EXTREME UNCTION IN DETAIL.

LET us now discuss the Sacrament of Extreme Unction more in detail.

Anglicanism and anointing.

Extreme Unction is one of the Seven Sacraments of the Christian Law. When in the eighteenth century the Church of England—ever conscious of the flaw in its Catholicity which its isolation in Christendom emphasizes — sought tentatively for some recognition from the Greeks (schismatical, or, as they style themselves, 'orthodox'), the Anglicans were eventually confronted by Oriental Bishops with a profession of faith which included Seven Sacraments, Extreme Unction being among the number. They were, moreover, given to understand that Anglican acceptance of the doctrinal basis thus set forth by the Greeks was an essential preliminary to any Oriental recognition of the Anglican Establishment as part of the Church of Christ.[1]

[1] More recently, in anticipation of the Pan-Anglican Congress of 1908, certain cautious *pourparlers* were initiated by the Anglican bishopric in Jerusalem with the Greek Jerusalem Patriarch. The object of this correspondence was to seek the Greek Patriarch's approval of some basis upon which possibilities of 'intercourse' with the Greek Church might be suitably discussed at the Congress. The basis proposed by the Anglicans was 'mutual recognition of

The Bible and anointing.

The Bible warranty for Extreme Unction is to be seen in the Epistle of St. James, recognized as canonical Scripture by the Church of England, which — officially, at least — ignores the Last Anointing altogether,[1] as well as by the Catholic Church, which has always used it. 'Is any man sick among you? Let him bring in the priests of the Church, and let them pray over him, *anointing him with oil* in the name of the Lord. And the prayer of faith shall save the sick man; and the Lord shall raise him up: and if he be in sins, they shall be forgiven him.'[2]

Scope of the Sacrament.

This Sacrament is usually classed among Sacraments 'of the living'—those which presuppose the soul to be already in the state of grace, and are ordained to increase the same.

Baptism and Orders.' But the Greek, though ever ready with courteous generalities, once more declined to come to business (see Appendix I., 'The Isolation of Anglicanism,' p. 244). On the contrary, those who attended the Holy Sacrifice in the Westminster Cathedral on the morning of Saturday, September 12, 1908, during the Eucharistic Congress, saw the Papal Legate and a host of Latin prelates joining in the Greek Liturgy, carried out by Oriental priests in full communion with Rome.

[1] Thus the Bishop of Salisbury, at the Church Congress, 1905, disagreed with St. James: 'He did not himself desire the restoration of unction, and he did not at all desire that Scottish or South African Bishops should be applied to secretly by any of the clergy for consecrated oil in order that they might administer unction' (*Times* report, October 8, 1905, p. 11). This was surely letting the cat out of the ritualistic bag somewhat unkindly!

[2] James v. 14, 15.

But it has also a *secondary* effect, akin to that belonging to Sacraments 'of the dead'—that of remitting sin, supposing the sick person to possess the disposition of repentance necessary for the Sacrament to take this effect. 'And if he be in sins, they shall be forgiven him.' But if the person became unconscious while in mortal sin, without having elicited an act even of *attrition*, and therefore were unable, in his condition, to supply the defect, the effect of the Sacrament would remain in suspense until the needed disposition was produced and the obstacle removed—similarly to what was said of Baptism under like conditions. But, of course, as in the case of Baptism, the anointing cannot be given to a *conscious* invalid who refuses to repent of his sins.

Suspended effect.

The principle underlying this common teaching about the temporary suspension and subsequent revival of Sacramental working is this: that, at least in the case of Sacraments that can be received but once (Baptism, Confirmation, and Orders), and of those which can at most be received again only at long intervals (Matrimony and Extreme Unction), Divine goodness would not wish the soul to be deprived wholly, or for a very long time, of the benefit of the Sacrament, in spite of restored good dispositions.

Matter and Form of Extreme Unction.

Matter—remote and proximate.

The kind of 'holy oil,' called 'oil of the sick,' specially consecrated and reserved for use in this Sacrament, constitutes the *remote* matter.

Its *use* and *application* by the priest is the *proximate* matter.

A word about each.

'Oil of the sick,' and its blessing.

1. *The 'Holy Oil.'*—For *validly* anointing, the oil of the sick must be *olive* oil, and, moreover (in the Latin rite), be consecrated by *a* Bishop. For *lawful* anointing, it must have been consecrated by the Bishop *of the diocese*, or, if the see be vacant, by the neighbouring Bishop. The view that a priest can consecrate the oil, besides having been censured by Pope Paul V. as 'rash' and 'bordering upon error,' has been expressly disallowed in an answer of the Holy Office, May 15, 1878: 'Oil blessed by a priest is *useless matter* for administering the Sacrament of Extreme Unction, and cannot be employed even in a case of extreme necessity.' This decision, of course, supposes that the priest has no faculty to bless holy oil from the Holy See. For the Sovereign Pontiff can give this power. Then, in the (Catholic) Greek Church, priests give the Last Unction with oil blessed by themselves. It is not certain that some other kind of *duly consecrated* oil—*e.g.*, 'oil of catechumens,'[1] would not serve. Consequently, it may lawfully be used in a sudden emergency—at all events, 'conditionally.'

Though old holy oil is *valid*, yet for *lawfulness* (except in case of necessity) the oil must be new—*i.e.*, have been consecrated in the current ecclesiastical year: that is to say, on the previous Maundy Thursday.

[1] See Second Series of Letters, Part I., p. 65 *et seq.*

Unction of the senses.

2. *The Use of the Oil.*—In the complete Latin rite, as given in the 'Roman Ritual,' the various organs of the senses are anointed in turn, the meanings of which will appear from the sample of the 'form' to be given in the next section. Where recognized custom or some good reason justifies the proceeding, the anointing of the sick man's feet can be omitted by the priest without detriment to the Sacrament. The usual anointings for males, and the only ones for females, are of the eyes, ears, nostrils, mouth (taste and speech), hands, and feet. Obviously, there may be good reason for omitting the last-named unction—as, for example, to avoid causing serious disturbance or pain, or a chill to the sufferer; or, again, when the priest is forced to anoint in a public hospital ward, where no screen is provided, or in a crowd.

In case of urgent need—*e.g.*, when the patient appears to be at the point of death—the rite may be reduced to one single act of anointing, accompanied with the very brief 'form' given below. If the body of the patient has been mutilated—*e.g.*, in war, or through some accident, and some member of the body claiming unction be wholly missing (*e.g.*, *both* hands)—the anointing is to be made as near as possible to the place where the missing member should be.

'Form' of the Sacrament

3. *The 'Form.'*—In its completeness, it consists of the prayers recited at the separate anointings, made in the form of the cross. For example: 'Through this holy unction, through His most

sweet mercy, ✠, may the Lord forgive thee whatever sins thou hast committed by *sight* (or *hearing*, etc.). Amen.'

To what extent, in case of urgency, these longer formulas might be condensed into one form, and that an abbreviated one, has been a subject of speculation among theologians. The least that they exacted, in the case of a single form, was some distinct verbal reference to the *senses*—for example, 'Through this unction may the Lord forgive thee whatever sins thou hast committed by the senses of sight, hearing, smell, taste, and touch'; or, still shorter, 'Through, etc., . . . by thy senses,' with one single unction—on the forehead by preference. Shortest form.

But the discussion has recently been set at rest by a decree of the Holy Office,[1] which goes still further in abbreviation of the 'form,' and declaring the following form to be sufficient in a case of emergency: 'Through this holy unction may the Lord forgive thee *whatever sins thou hast committed*. Amen'—with a single unction. Decision of Rome.

Here it will be noticed that no express verbal allusion is made to the senses, either generally or in particular. Yet one can see an indirect and implicit reference, if not in the word 'unction,' at all events when that word is accompanied by the application of the oil to the body which experiences the anointing by its sense of touch considered in its *passive* aspect.

[1] See 'Acta S. Sedis,' July, 1906.

Effects of the Sacrament.

What Extreme Unction does for us.

1. *Medicinal.*—The soul is supposed to be in the state of grace and free from *grievous* sin. But former sin may have left several evil effects behind it in the soul, just as certain maladies do in the body—for instance, a spiritual languor or weakness, which needs a fresh infusion of strength, particularly a feebleness of *hope* and *confidence* in the mercy of God, now that eternity lies before the soul, and the all-searching judgment at 'the tribunal of Christ' is at hand. For consciousness of sin tends to weaken confidence. 'The sting of death is sin.'[1] St. Gregory expresses the same idea when explaining our Lord's words: 'Let your loins be girt . . . and you yourselves like to men who wait for their lord when he shall return from the wedding; that when he cometh and knocketh they may open to him immediately.' Hereupon he writes: 'Now, the Lord "comes" when He hastens to judgment, and He "knocks" when, through the sufferings of our sickness, He intimates to us that death is at hand. We "open" readily, provided that we welcome Him in love. For that man is unwilling to give admittance to the Judge who trembles at the thought of quitting the body, and dreads to face in judgment one whom he remembers to have despised.' The anointing also remits the debts of punishment remaining due to sin, in proportion to the quality of the person's dispositions. It gives special graces

[1] 1 Cor. xv. 56.

by which the departing soul is protected from the effects of evil habits, from dangerous illusions, to which weakness of the body exposes it, and the like. This is the building up of the mind's spiritual powers suggested by the words, 'The Lord shall raise him up.' As the Council of Trent puts it, our Lord 'has fortified the end of life with the Sacrament of Extreme Unction, as with a most powerful protection.'

Sin forgiven.

2. *Remission of mortal and venial sin,* provided the recipient have at least 'attrition,' or imperfect contrition, for the same. This is a *secondary* and conditional effect of the Sacrament. 'And if he be in sins, they shall be forgiven.' This result is not invariable, since the sick person may have, and very commonly will have, previously received the Sacrament of Penance, and so have had his sins forgiven already, and, moreover, will often have received also the Holy Eucharist as Viaticum. Had Extreme Unction been ordained primarily for the forgiveness of the guilt of mortal sin, the Divine precept of Confession, which lasts even till death, would be rendered nugatory.

Influence on health.

3. *Restoration of health*—that is, as the Council of Trent teaches, 'when this would be for the good of the person's soul.' When God knows that it will be, the corporal effect of the Sacrament is produced infallibly.

Modus operandi.

It is useful to inquire here about the *way* in which the Last Anointing restores health. This is a matter claiming special attention from those who, when in danger of death, would put off

receiving the Last Sacraments, and from those who, having sick people to nurse, would, on one plea or another, hinder the priest from giving the Last Rites to those under their care as soon as he judged it to be advisable.

Not a miracle.

The effect of bodily healing, when produced, is not to be regarded in the light of a miraculous cure. If it were that, clearly Extreme Unction might quite properly be delayed till the patient was at his last gasp, instead of being administered betimes, as it ought to be—*i.e.*, as soon as danger of death has declared itself. It should by no means be deferred till there is, humanly speaking, little hope of recovery.

How explained.

The usual explanation of the *way* in which Extreme Unction contributes to restoration of health is that, by receiving it the sick man acquires a claim to a *special* providence of God over the course of his malady. God disposes secondary causes favourably towards a recovery —*e.g.*, by guiding the physician to choose the right remedy or treatment; warding off accidents which would aggravate the malady; directing those who are nursing, so that they take all possible care and precautions, the omission of which would give a fatal turn to the illness, etc.

Thus, Extreme Unction does not work directly upon the seat of the malady in a miraculous way, but moves God to specially guide the progress of the disease, and the efforts of those in charge of the case, so as to avert a fatal ending. Hence, putting miracles on one side, it is clear that *time*

is needed for nature to respond to the hand of Providence, and therefore it is mere foolishness to delay Extreme Unction till the case becomes desperate.

Instances of healing.

As for instances of such unexpected bodily healing, it is not so easy to prove to a determined sceptic, in any particular case, that the happy result was due precisely to the anointing. This is natural enough, because of the non-miraculous, or connatural, method of the Sacramental working. Yet there are few priests who have had full charge of souls for any length of time who cannot point to numerous instances of 'hopeless' cases—so declared by the physician—in which the notable change for the better dated from the time of the anointing. The present writer recalls two striking cases which came under his notice during the first year and a half of his priestly ministrations, not to mention other cases experienced afterwards. One was that of a girl of nine, with diphtheria and complications, for whom a doctor of repute declared he could do no more; the other a case of puerperal fever. In both cases the change for the better was immediate, and followed by complete recovery.

Indirect influence upon sickness.

One must remember besides that, in addition to the direct influence upon the bodily health through the special intervention of Divine Providence, there is also the indirect. The Sacrament has for its primary effect the comforting of the patient's soul, and this pacifying influence upon the spirit is favourable to the recovery of the

body. When the mind is agitated or the conscience ill at ease, bodily sickness is less easily cured. Some non-Catholic physicians have noticed this feature in their patients, and are therefore well pleased that Catholics should 'have their priest.' They are wise in their generation.

The Minister of Extreme Unction.

Who is to anoint?

As the Council of Trent teaches, only such as are at least in priest's Orders can validly administer the Last Anointing. For *lawful* administration, it is required besides that the minister be the parish priest (or Bishop) of the place where the sick person finds himself at the time of sickness. There are, nevertheless, cases of urgency in which it would be lawful for some other priest to presume the consent of the parish priest, or of his Bishop.

This point needs to be borne in mind by those who might prefer to have some particular 'Padre' to administer the Last Rites to them.

No reservation at death.

But it should be noticed that, as regards *Confession*, there is no restriction of choice. If the patient be *in danger of death*, the Church removes all restrictions; and any ordained priest whatever, whether having 'faculties' from a Bishop or not, can hear his confession and absolve from every kind of sin. Supposing, however, that there be no danger of death, at all events any priest whatever, having 'faculties' in the *diocese* where the sick person is located, can hear his or her confes-

sion, except the Bishop have expressly ordained otherwise. For the rights of the parish priest as regards Sacraments in case of sickness only extend to Holy Communion (or Viaticum) and Extreme Unction.

The Sick Person.

Conditions of candidate.

In order that Extreme Unction may be *validly* received, the following conditions are required: (1) The person must have received Baptism. The unbaptized are incapable of receiving any other Sacrament. (2) The patient must be morally *capable of committing sin*. The words accompanying the unction of the senses plainly suppose this —'. . . may the Lord forgive thee whatever sins thou hast committed.' Hence children who have clearly not reached the age of reason and idiots from birth are incapable of Extreme Unction. On the other hand, all children who are considered fit to make their first Confession should be anointed, and it is *lawful* to anoint *conditionally* children or adults who are doubtfully possessed of reason.

First Communion not required.

In connection with children, let it be said that it is not necessary that the candidate for this Sacrament should have made his first Communion. Hence Benedict XIV. condemns the practice of denying Extreme Unction to children as an abuse. If a child is capable of repentance it is capable of Extreme Unction, which is a sort of complement to the Sacrament of Penance.

Of course, we have been speaking above of a

doubt concerning the *normal* mental condition of the sick person, quite apart from the weakening effect of sickness. For if no such doubt existed previous to sickness, but only arises from the kind of illness or accident, Extreme Unction is always given, and without any condition, unless there be cause to doubt the person's *spiritual fitness* or *dispositions*. Thus Tommy, aged six, a highly intelligent child, who has been run over by a motor-car and fatally injured, *may lawfully* be anointed; while his father, a doubtful Catholic, seized with a stroke of apoplexy and unconscious, *ought* to be anointed as a matter of course, but conditionally, on account of his unsatisfactory religious state. (3) The candidate for Extreme Unction must be (*a*) *in danger of death*, and, moreover, (*b*) the danger must arise *from sickness*.

How 'danger' is to be estimated.

(*a*) *Danger of Death.*—The danger need not be certain in order to render anointing *lawful*, but a moral certainty is needed to make it *obligatory*. For lawfulness, it is therefore enough that those competent to form an opinion should see solid reason for fearing a fatal termination to the illness.

The sickness of old age.

N.B.—Old age will add greatly to the reasonableness of such fears. Theologians regard it as a sickness in itself, and we may rightly attach to it the seriousness of a 'complication' in any illness.

Ordinarily it will be imprudent to wait for any higher degree of certainty as to the danger than the one just mentioned. And in *no* case ought the Sacrament to be put off until all hope of recovery has passed away, and the sick person's

senses are beginning to fail. Some foreign missionaries tell us of places where it is unfortunately not uncommon for families purposely to delay sending for the priest till the dying relative becomes unconscious, either fancying superstitiously that an earlier reception would destroy all chance of recovery, or because they know the patient will, if conscious, refuse to qualify for absolution, or else wholly refuse the priest's ministrations; and that, consequently, the family repute will suffer from the non-appearance of the words 'fortified by the Sacraments' on mortuary notices.

Extreme danger not necessary.

Neither need the danger be *urgent*. It has been explained elsewhere that 'danger,' in the physician's vocabulary, is generally more or less urgent or 'immediate.' No such extreme peril is needed for *valid* and *licit* anointing. This becomes plain from a reply of Propaganda (February 20, 1801) to some missionaries. These had asked whether Viaticum *and Extreme Unction* might be given to consumptives met with on pastoral journeys, who, though evidently having months to live, were sure to die within a year, and at a time when, in all likelihood, no priest would be obtainable. Rome sanctioned such anointings. The significance of the answer lies in the fact that the actual presence of 'danger' is essential for the *validity* of the Extreme Unction. Hence, Propaganda was not merely declaring a certain course of action lawful in peculiar circumstances, but must be considered to have virtually indicated, in general, how far the interpretation of the term 'danger' may be pushed.

'Just dead.'

One need hardly state that people cannot be anointed once they are dead; for the soul, the recipient of Sacramental grace, has then passed out of the jurisdiction of the Church on earth.[1] Nevertheless, care should be taken not to decide too hastily that death has actually occurred the moment that the ordinary signs of life have ceased. It is further submitted here that even such few tests of death as science holds to be conclusive in all cases do not certainly prove the soul to have actually departed from the body, but only that no tokens of life known to the wisdom of experts can be perceived by the senses. May it not be that the soul lingers a short space after all traceable vestiges of its presence have perished? Be this as it may, a priest should be summoned even when, humanly speaking, it seems that he must arrive just too late.

(*b*) The danger must arise from *present sickness.*

Danger must come from sickness.

This is conveyed by the words 'Is any man sick among you?' Thus, although Church legislation allows Viaticum to be given to condemned criminals just before their execution, Extreme Unction cannot be administered to them. So, too, when a dangerous surgical operation has to be undergone, the patient may be anointed before

[1] For the same reason the 'satisfactory' value of Masses, prayers, and good works offered for the dead is not to be conceived as passing directly from the Church's hands to the holy souls, as indulgences pass to us in life, but as presented to God, with the desire that He will accept them for the benefit of the departed.

it only if the ailment in question be already considered a danger to life, which is very often the case. It was once reported in the Press that certain American doctors were advocating the indiscriminate performance of the operation for *appendicitis* upon all children in order to prevent the possibility of trouble later on in life. Certainly, in such cases, and apart from the question of age, the priest could not anoint beforehand, because no illness—dangerous or other—would exist before the operation, though it might well exist after it.

Unconscious patients.

Extreme Unction, then, may be given to any person in whom the above conditions are verified, even when *out of their senses*, unless, indeed, there be serious ground for fearing some very irreverent behaviour during the administration. Of course, some intention or wish to receive the Sacrament on the sick person's part is always presupposed, even where unconsciousness has supervened; but that general and habitual mind to receive it, if dangerous illness chanced to occur, is sufficient for the purpose, and, indeed, may be presumed to exist in all Catholics, saving clear evidence to the contrary in the particular case.

When Unction is to be denied.

The Roman Ritual directs that Unction be denied to those who are 'unrepentant, and die in clear mortal sin, as also to the excommunicated.' Of course, this last direction only means that a person cannot be anointed *while* excommunicated. Yet any priest whatever can absolve the dying from excommunication, provided they repent, and

submit themselves to the Church (or may reasonably be conjectured to have done so), and then they can be anointed.

It is not forbidden to anoint one who becomes unconscious in the act of sinning grievously—*e.g.*, a man who falls senseless from a mortal wound in a duel; for it may leniently be conjectured that the man, on realizing that he was badly hit, and before his senses quite failed him, made an act of sorrow for his sins. The same benefit of the doubt may be granted even to a man who positively rejected the Sacraments up to the time of losing consciousness.[1] Here, however, there may sometimes be special circumstances, in which such indulgence would bring the holy Sacraments of Christ into contempt; for example, when the fact both of the person's contemptuous refusal and of his being anointed in spite of it would be generally known, and a public scandal consequently created.

Repetition of Extreme Unction.

It is clear that this Sacrament may be received as often as a *fresh* and *dangerous* illness occurs. The main point to be settled is: When can it be *repeated* during the continuance of one and the same illness?

Though, for repetition, the *illness* need not be a separate one, the *danger of death* must be new. There must be solid reason for judging that the danger in which the patient was previously

[1] Ballerini-Palmieri, No. 32.

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anointed ceased at some time, and has not been renewed again. In short illnesses there will usually be no evidence of the original danger having passed away; but in most longer ones, if the patient's state be judged dangerous several weeks, or say a month, after the first anointing, it is unlikely that the same state of danger should have lasted for so long a time without intermission. Consequently, the danger perceived at the end of that period may rightly be considered a new one, and Extreme Unction may be repeated. In case of doubt as to the newness, Benedict XIV. advises the anointing to be renewed.

Is Extreme Unction of obligation?

Speaking generally, no one is bound under pain of mortal sin to receive Extreme Unction. To refuse it *out of contempt* would, of course, be grievously sinful, as in the case of Confirmation. But the sin here consists in the mental *contempt* of so sacred a thing, and not in failing to receive it. For, although most desirable, the Last Anointing is not necessary for salvation. Yet it would, no doubt, be difficult to excuse from a *venial* sin of uncharity to his own soul a Catholic who deliberately declined so powerful a help at a time when salvation is in the balance, and the Devil, seeing a last chance of victory slipping away from him, is likely to be up and doing.

No. III.

THE PAPAL BLESSING—OBSEQUIES—BURIAL.

Plenary Indulgence at death.

THE 'Last Blessing,' or 'Papal Blessing,' conferring a Plenary Indulgence at the hour of death on certain conditions, is a mark of the paternal solicitude of Christ's Vicar on earth for his dying children. The blessing comes from the Pope, who deputes the Bishops to communicate it, and these, in turn, sub-depute their priests to deliver it.

Various titles to Plenary Indulgence.

As Catholics are aware, there are also Plenary Indulgences for the hour of death attached to various devout practices and to the use of certain devotional objects—*e.g.*, to Confraternities, Scapulars, Crucifixes blessed for this purpose, Rosaries blessed with the Apostolic Indulgences, etc. But these Plenary Indulgences differ from the one belonging to the Last Blessing in this—that they can be gained by the sick person *without the presence or ministration of any priest.* In this way they have the advantage of being obtainable by one dying very suddenly before a priest can be procured.

The Last Blessing is said to be conferred *in articulo mortis—i.e.*, at the very point of death. But this expression refers to the moment when the Indulgence *takes effect* (for the remission of temporal punishment due to sin), and not neces-

sarily to the time when the blessing *is given* by the priest. There is no need to wait till death is imminent in order to impart it. It can be given as soon as it is lawful to administer the Last Sacraments, and it is conferred after these. Should the patient survive many weeks after receiving the Blessing, the Plenary Indulgence is able to remit the debts of temporal punishment accumulated since the priest administered the rite, as well as those incurred previous to that administration during a lifetime.

The Last Blessing is imparted only once in the same *illness*, although the cessation and recurrence of danger during its course may have justified a repetition of Extreme Unction. It is still given but once in the same illness, albeit the invalid have a right to a Plenary Indulgence for death on several distinct titles, such as those just mentioned.

Conditions for the ordinary Last Blessing.

Certain conditions are attached: (1) The sick person must accept death willingly from the hand of God, which, according to Benedict XIV., is the main condition. Acts of sorrow for sin, fervent acts of the love of God, are *recommended* by some authors in order to make the Plenary Indulgence more secure. (2) The Holy Name 'Jesus' must be invoked once—in the heart, at least, if articulation be impossible.

Moreover, according to the terms in which the faculty for imparting the Blessing is nowadays usually couched, previous reception of the Sacraments of Penance, Viaticum, and Extreme Unc-

tion would seem to be required—that is to say, when the circumstances of the case admit of this.

Plenary Indulgence for death secured in life.

This Papal Blessing and Indulgence may be obtained also in another way. By a grant, dated March 9, 1904, Pius X. has extended to all the faithful a valuable privilege, by which any person may gain once, but *at any time* during life, the Plenary Indulgence for the moment of death. The conditions are that he receive Holy Communion on any day he may choose, and then recite the following Act of Resignation in the dispositions which it expresses: 'O Lord my God, whatever manner of death is pleasing to Thee, with all its anguish, pains, and sorrows, I now accept from Thy hands with a resigned and willing spirit.'

Thus, one may choose some favourable opportunity, when in exceptionally good dispositions—*e.g.*, at the close of a Mission or Retreat—for performing this Act after Communion, and so make more sure of receiving the full benefit of the Indulgence when the moment of death arrives.

It will be noticed that there is no mention in this grant of the *second* condition given above—the invocation of the Holy Name of Jesus.

N.B.—The prayers 'For those in their agony' may be said by anyone.

Funeral Rites.

Mass at funerals.

Requiem Mass.—The Holy Sacrifice is a sacrifice for the dead as well as for the living, and it is to be deeply regretted that the very common practice

of holding burials in the afternoon generally results in the omission of the truly Catholic custom of having Mass said for the departed in the presence of the body (*corpore præsente*) before it is carried to the grave. Of course, there may be good reasons for the omission—for instance, the scarcity of priests, the nature of the illness of which the deceased died, and—among the poor—the difficulty of assembling the mourners, inability to defray the expense of the greater solemnity, etc.

Vain expense over funerals.

Indeed, if expense is to be incurred, it is far better for the interest of the departed soul to get Masses said privately than to spend money on additional pomp, which can profit the dead little or nothing.

The abuse of wreaths.

This remark applies specially to the prevalent custom of sending *wreaths of flowers*. In the first place, it is not correct, ecclesiastically, to put any flowers *on a coffin*, except that of an innocent child. It is, in fact, an un-Catholic practice, although prompted by esteem and affection, and, therefore, well meant. In the case of those who have died at an age when *some* sin must, humanly speaking, be supposed to have entered into their lives in a lesser or greater degree, the Catholic spirit suggests the offering of prayer and satisfaction to God in behalf of the departed rather than of garlands to their memory. It is an inadequate appreciation of the evils and consequences of sin, and the abandonment of the doctrine of Purgatory in Protestant lands, which have given birth to these floral tributes.

If Catholics would devote one-half of the money they sometimes spend upon funeral wreaths to securing Masses for the poor departed soul that is expiating its sins in Purgatory, they would surely be performing a substantial service towards the dead, instead of indulging a natural, but wholly unprofitable, sentiment. It is not garlands, as fleeting and corruptible as the bodies we are forced to hurry to the grave, that the dead crave for, but the blissful vision of their God, for which they thirst even 'as the hart panteth after the fountains of water,' and the enjoyment of which we on earth have the power to hasten on by our pious suffrages.

A liturgical puzzle.

Speaking of 'Requiem' Masses,[1] we may notice a seeming anachronism in certain forms of petition which they contain. Thus, the Church prays that the soul may be delivered from the pains of Hell. Now, since the fate of the soul is determined irrevocably by the spiritual condition —of grace or of mortal sin—in which it departed to the Judgment Seat at the moment of death, no prayers could avail to alter an adverse sentence, had such been passed.

In reply to this difficulty, it must be noticed, first of all, that such petitions have come down to us from early Christian times when Requiem Masses were celebrated for those *about* to die—

[1] So called from the first word of the Introit in Masses for the Dead, which begins, 'Requiem æternam,' or 'Eternal rest,' just as a 'dirge' derives its name from the Antiphon with which the Office of the Dead opens, 'Dirige,' etc.

i.e., before death and judgment had actually taken place. In favour of the retention of such forms of prayer after the practice alluded to had ceased two reasons may be urged: (1) That such petitions are retained for the edification and warning of those yet living in order to bring home to them the eternal truth and the necessity of preparing for death by a good life, so as to escape eternal doom when their own hour shall come. (2) Though such petitions of the Church are made after death has taken place, in the order of time, yet there is nothing to prevent Almighty God, Who, to speak in human terms, foresees that they will be offered, from accepting and answering them in favour of the soul before it has left the body.

Foreseen suffrages.

This view receives strong confirmation from the universal practice of the Church in celebrating anniversaries of the dead. If God did not take future anniversary Masses into account before their actual celebration in time, it would not be easy to explain how the Holy Spirit should have guided the Universal Church to a practice far less profitable to the departed than that of having a number of Masses said at once on the decease.

Burial.

Mode of burial. Cremation forbidden.

The Church sanctions but one way of disposing of the mortal remains of her children—viz., that of leaving them to the natural process of corruption. Cremation is strictly forbidden to Catholics, nor can any priest take official part in any such pro-

ceeding.[1] At the same time, if, in some quite exceptional case, there appeared a grave need to destroy the body by fire, it would be lawful to cremate. But there is no likelihood that the Church will ever depart from her principle of 'earth-to-earth' burial out of deference to hygienic theories. So far, at all events, no reasons have been forthcoming to prove that, given ordinary precautions, any injury to the public health results from it.

Causes of forbiddance.

No doubt the immediate cause of the formal prohibition of cremation was its having been taken up in Italy by anti-Christian societies as a protest against Christian beliefs, on the same principle that 'anti-clericals' seek to remove all Christian emblems from cemeteries and schools. The vanishing of the body under the action of fire was adopted by these impious societies as a symbol of their materialistic denial of the soul's immortality, as though the whole man had been dissipated like smoke, and nothing remained of him after death but an urnful of ashes.

Cremation to be shunned by Catholics.

No Catholic may give, or leave behind him, directions for the cremation of his remains, nor may he cause other bodies to be cremated. As regards attending funerals by cremation, the same rules hold good as in the case of any other non-Catholic burial rite, or of Continental 'civil'

[1] Decree of the Sacred Congregation of the Inquisition, May 19, 1886. Leo XIII. ordered Bishops to instruct their flocks concerning this 'detestable abuse,' and to warn them against it.

funerals from which every religious element is purposely excluded out of malice. That is to say, it is only lawful to be present at such burials—(1) if attendance is well understood to be merely an act of civility, and not an approval of the rite; (2) if some grave inconvenience would result from abstention. Such reasons are more likely to be substantial in the case of the poorer and more dependent classes than in that of persons of position and means. But, apart from such or similar excusing causes, it is grievously sinful to take part in the rites of cremation.

Place of burial.

Ordinarily, a Catholic should be buried in consecrated ground. The Christian's body being the immediate recipient of Sacramental Rites, being hallowed and hallowed again by holy anointings, and above all by the reception of the Body and Blood of Christ, is treated by the Church with the utmost reverence. Hence, through the ministry of her Bishops, she consecrates its final resting-place with much solemnity, and thereby shows the importance attached by her to this circumstance of burial.

Where there is no consecrated ground within reach, the grave is simply blessed by the priest, special ceremonies for this purpose being given in the Roman Ritual.

A sentimental stumbling-block removed.

This blessing is also given whenever a Catholic is buried in non-Catholic ground, even when the grave is shared by non-Catholics. Hence a wife, who changed her mind about being received into the Catholic Church, because she 'wanted to be

buried with her husband,' not only preferred sentiment to truth, but was astray as to her facts.

The law and burial.

By the Burials Laws Amendment Act of September 7, 1880, Catholics, or others, are entitled to avail themselves for burial of the Church of England parish churchyard in their place of residence without being forced to adopt the Anglican burial rite. But 'notice of burial,' in the written form prescribed by law, must be given by the relative (or friend, or legal representative) having charge of (or being responsible for) the burial 'to such person as the burial authority may direct' (Burial Act, 1900). By 'burial authority' is meant any Burial Board, any council, committee, or other local authority maintaining a cemetery under the Public Healths (Interment) Act of 1879, or under any local Act. (N.B.—The length of 'notice' to which the authority is entitled is *forty-eight hours.*)

The Anglican clergyman in charge of the parish graveyard, or person entitled to 'notice,' is free to object to the day or hour named for burial in the said 'notice,' or to the insufficiency of 'notice,' if less than forty-eight hours; but he has no power to prevent the burial itself, nor to veto such burial rites as the person giving the notice may prefer, provided they be 'Christian and orderly' (Clause 6 of the Burials Laws Amendment Act quoted). Thus, a Catholic may be buried by his priest with full Catholic rites in the Anglican parish graveyard. According as the

clergyman's views are 'Low' or 'High,' there may or may not be a difficulty about putting a genuinely Catholic inscription on the tombstone. For the inscription has to be submitted to him for approval, just as, in the case of a Catholic cemetery, it has to be approved by the Catholic authorities in charge.

THE SACRAMENT OF HOLY ORDERS.

No. IV.

STATES OF LIFE—VOCATIONS.

SINCE the present 'Letters' are designed for the laity, there will be no need to enter very completely into the subject of Holy Orders. Still, there are not a few points which may usefully be touched upon for lay instruction, and also for the guidance of those who may be contemplating entry into the clerical state.

This is as good a place as any for saying a word about States of Life. It should be noticed that there are only three recognized states of life: (1) The married state; (2) the ecclesiastical or clerical state; and (3) the Religious State, or State of the Evangelical Counsels of Perfection.

What makes a 'state of life.'

Outside these, there is no real *state* of life. For a 'state' implies a *fixed* and *permanent condition*. And those living in the world unmarried may enter matrimony at any time, or, at all events, are free to do so, or else they may adopt one or other of the remaining states of life, the *ecclesiastical* or the *religious*. To constitute a 'state,' some *permanent tie* or bond is needed as the

source and root of its stability. In marriage, it is the *indissoluble* bond uniting the couple; in the ecclesiastical state it is the solemn engagement to *celibacy* made (among the Latins) on assuming the subdiaconate; and in the religious state it is the three perpetual vows of Poverty, Chastity, and Obedience that give permanency to that condition of life.

Ecclesiastical and religious states not the same.

Of a boy who is sent to college with a view to his entering some religious order (supposing that he is able to qualify for admission to it), it is sometimes said: 'John is going to be a priest.' Yet there is no *necessary* connection between the ecclesiastical and the religious state, though in many male religious orders or congregations the two things are combined, as far as their fully educated members are concerned. At the same time, not all Religious Orders ordain their subjects, however mentally and morally qualified for the priesthood, except, perhaps, a few individuals to serve as chaplains to the brethren, to say Mass and administer Sacraments. A lay-brother is as much a *religious* as the priest-members of his order, albeit not destined for the priesthood. Again, some religious congregations consist exclusively of lay-brothers, and include no priests—*e.g.*, the Christian Brothers. The scopes of the two states are quite distinct. The ecclesiastical state centres round the priesthood and service of the altar, whereas the aim of the religious state is to procure spiritual perfection and a closer imitation of the life of Christ than is possible in the world.

Various forms of religious life.

This may be done in different ways: as the contemplative monk does it—namely, by attending to personal sanctification only (which, however, does not exclude the offering of prayer, labour, and deeds of penance for the world outside the cloister)—or as the 'mixed' or 'active' orders do it—viz., both by aiming at personal sanctification, and by labouring externally for the salvation of souls, either directly in the ministry, or indirectly in the practice of Spiritual or Corporal Works of mercy. (In our humanitarian and materialistic days the Corporal Works are magnified at the expense of the Spiritual: 'the first and greatest' commandment of charity is sacrificed to the second—nay, benevolence to dogs, cats, and horses is beginning to throw humanitarianism into the shade!)

Call to the 'Church.'

We will now confine our attention to the *ecclesiastical vocation.*

(*a*) Outward call.

That vocation supposes: 1. An *exterior* 'call,' or vocation, from the Church—that is to say, the aspirant must be chosen by a Bishop, and admitted by him, in God's name, to the clerical profession. As St. Paul has it, 'No man taketh to himself this honour, but he who is called by God, like Aaron.'[1] In accordance with what has already been said about states of life, we are here speaking mainly of the subdiaconate, because it is that grade, involving celibacy, which first places the candidate in a *fixed* condition of life.

(*b*) Inward call.

2. An *interior* 'call' or vocation. This is above all necessary, and presupposes the possession of

[1] Heb. v. 4.

sufficient learning and goodness of life. The 'vocation' itself means that Almighty God, co-operating with the external selection by the Church, or, rather, guiding that selection, chooses a soul out from the ranks of the laity for His special service, and grants the help necessary to fit it for ecclesiastical life and duties.

Signs of true 'vocation.'

Plainly, the main question is, 'How is a person to *know* the call of God? What are the ordinary signs by which a true vocation may be recognized?' For, clearly, one cannot count upon some miraculous, heavenly manifestation—*e.g.*, a startling revelation like that which called St. Paul on his persecuting journey to Damascus.

Tests of God's call.

The 'call' of God makes itself known in interior movements of grace within the individual soul, by which a person feels *supernaturally drawn* to embrace the ecclesiastical life. Supernaturally, in two ways: (1) as to *motives;* (2) in that the attraction is felt in the higher part of the soul, in spite of repugnances—perhaps strong repugnances—of the natural man.[1] It is supposed here that this attraction is no momentary, passing emotion, excited in times of spiritual enthusiasm and elation, but that it is, on the whole, steady and persistent, and though perhaps the person may resist it at times, nevertheless it keeps on reasserting itself.

Summary of tests.

We may put the matter thus. If a person (1) endowed with fair natural attainments and of good

[1] Spiritual persons, however, sometimes need to remember that such violent natural repugnances, though consistent with a supernatural call, are not, of themselves, a *proof* of one.

moral conduct, (2) free from canonical impediments, such as publicly known illegitimate birth, certain forms of physical defect, a publicly lost reputation, etc., and (3) moved, not by temporal or worldly motives, but by spiritual and religious ones, *constantly* feels drawn to the ecclesiastical state, he may be fairly certain that he has a true vocation.

Called within and hindered without: a problem.

But is there not still another condition? For, given all the conditions just rehearsed, what if some temporal or material obstacle beyond the aspirant's control absolutely block the way? For instance, some poor lad has no one to pay for his education at college; or he is the only support of a bed-ridden, widowed mother; or he loses his sight inculpably in an accident. Has he, nevertheless, a true vocation from God?

Solution offered.

On this point, perhaps, opinions will differ; but it is here submitted that in cases like these (supposing the hindrance to be lasting) there is no true call from God. For this reason: it is difficult to allow that God is calling in a definite direction, and yet allows insuperable obstacles—which He certainly *could* remove—to thwart His call. Such a contradiction appears inadmissible.

Then it will be asked: For what end did God give that strong supernatural attraction? Could He give it *merely to be thwarted?* Supposing it to be really supernatural, no. For this would reproduce a contradiction similar to the one just dismissed as inconceivable. Several ways of meeting this difficulty suggest themselves: (1) There may

have been some mistake on the person's part in gauging the interior movements in his soul, especially if he took no advice from an experienced spiritual guide. (2) But apart from this, it is quite possible to mistake a high appreciation of the Priesthood *in itself*, and the consequent ardent wish 'that I could be a priest,' for an actual call to that life. Similarly, a girl in the first fervour and enthusiasm of conversion to the Catholic Faith may, as experience proves, mistake for a religious vocation her new-found and intense appreciation of convent life as an institution. (3) Lastly, and chiefly, it is quite conceivable that God may plant a great drawing towards the Priesthood in a soul for its sanctification, and in order to keep before it a high ideal of Christian life and conduct, for which it will always be the better, even though the ideal be never realized in practice.

No. V.

OF HOLY ORDERS.

Meaning of 'Orders.'

HERE the term 'Orders' is neither equivalent to 'commands' nor to '*Religious* Orders,' or congregations of religious persons bound by vows. It refers to the various *ranks* in the ecclesiastical body, its use being akin to that contained in the expression 'lower orders,' as applied to the working classes—that is, if any man dare to breathe the words in these Socialistic days!

Seven grades.

In our Latin portion of the Catholic Church, or 'Western' Church, there are *seven* distinct 'Orders,' subdivided into two classes—(1) Minor Orders, and (2) Major, or 'Sacred,' Orders.

Minor Orders are *four*—Doorkeeper, Lector (or Reader), Exorcist, and Acolyte. The reception of these is preceded by the giving of the *tonsure*, a ceremony in which the Bishop (or Abbot) cuts off a portion of the candidate's hair to signify his separation from worldly vanities, and his aggregation to the ecclesiastical body. Where the Canon Law is strictly enforced, the tonsure is perpetuated by a shaven circle on the top of the cleric's head, such as may be seen in the case of some Religious.

Which grades sacramental?

None of these minor Orders belong to the *Sacrament* of Orders; they are only a graduated preparation for it, and confer no sacramental grace,

no 'character,' and no supernatural powers; they are external appointments or offices, instituted by Church authority only, although, in virtue of the dispositions of the recipient, they may become the means of spiritual graces. Moreover, most of these minor offices have become practical sinecures, since the functions belonging to most of them are, by present custom, allowed to laymen. Thus, laymen assist at the altar, carry the candles and the thurible at High Mass and in other ceremonies—the duties of Acolytes. They occasionally sing lessons at 'Tenebræ' in Holy Week, and, like Lectors, almost invariably function as doorkeepers. With regard to the office of Exorcist—namely, that of invoking the Divine Aid, in the name of the Church, for expelling evil spirits—this duty is no longer permitted to any cleric of lower grade than a priest, and only to him by express appointment of a Bishop.

The three Sacred Orders.

Major, or Sacred, Orders, are three: *Subdiaconate*, *Diaconate*, and *Priesthood*, under which last term is included the Episcopal Order, since the Episcopate possesses the Priesthood in its highest perfection.

Non-sacramental dignities.

Hence, from a *sacramental* point of view, an Archbishop is not higher than a Bishop, though he excels the latter in hierarchical dignity, and, ordinarily, in extent of jurisdiction or spiritual authority. The same may be said even of the Pope, although as Bishop of Bishops he has authority over all his episcopal brothers, according to our Lord's words to Peter: 'Confirm thy

brethren,' and 'Feed My *sheep*,' as well as the 'lambs.'

Position of Cardinals, and classification.

As for the office of Cardinal, it is the highest dignity in the Church after that of Pope, corresponding somewhat to the State dignity of 'Prince of the Blood.' A Cardinal—as the ceremony of 'opening the mouth' performed by the Pope at his elevation symbolizes—has an official right to speak counsel to the Holy Father, and is joint-elector, with the rest of his purpled brethren, of a new Pope.[1] But the dignity of Cardinals has nothing to do with the Sacrament of Orders. A Cardinal *need* not be in Sacred Orders at all, in spite of ecclesiastical terminology which divides Cardinals into three classes: Cardinal 'Deacons,' Cardinal 'Priests,' and Cardinal 'Bishops.' The 'Deacon,' the 'Priest,' and the 'Bishop' are here purely honorary titles, and have no relation, except by analogy, to the Sacramental Orders similarly designated. The Church, wishing to establish three different grades among Cardinals, merely borrowed the titles from Sacred Orders in order to express them. Thus, a Cardinal 'Bishop' need never have been sacramentally consecrated as a Bishop, and an ecclesiastic who has been so consecrated may be created only a Cardinal 'Deacon.' Of course, in another sense he will be called Cardinal *Bishop*, inasmuch as he was a Bishop by con-

[1] The Cardinalitial body is often called the 'College,' or collection, of Cardinals. Usually a new Pope is chosen from their number, but not necessarily, as the case of Peter Morone, afterwards Pope Celestine V., shows.

secration previous to being raised to the dignity of a Cardinal. Thus, when we refer to our late Catholic Primate as Cardinal Archbishop of Westminster, we only mean that he was made a Cardinal when already an Archbishop. In point of fact, Archbishop Vaughan was, in order of *cardinalitial* dignity, a 'Priest,' like his two distinguished predecessors, Cardinals Wiseman and Manning.

Essence of Catholic Priesthood.

That which distinguishes our Orders from the so-called 'orders' derived from the Protestant Reformation is this: that Catholic ordination is no mere external appointment of a man to certain spiritual duties, accompanied with ceremonial and prayer, but conveys from Christ to the inmost soul of the ordained a *special* and *invisible grace and consecration*, whereby he becomes invested with new and supernatural powers, such as no man could possess unless they were bestowed by the Great High-Priest and Mediator, Jesus Christ. The Catholic priest is really admitted by our Divine Lord to an active share in His Priesthood. This fact marks him off, *interiorly* and *for ever*, from the laity. He ministers to them, not as if empowered by the 'collectivity' of his flock to represent them and act for them—the idea of the sixteenth-century Reformers—but as the accredited deputy of *Christ Our Lord*, having power over souls from Him. Herein lies the essence of what the Evangelical Protestant stigmatizes as 'sacerdotalism.'

We will now take the *three Sacred Orders* separately, and see what they imply.

The Order of Subdeacon and celibacy.

Subdiaconate.—It has been disputed whether the Subdiaconate forms part of the Sacrament of Orders, and confers sacramental grace upon the candidate. The more generally accepted opinion is that it does not. Yet the adoption of this grade is certainly a momentous step in the ecclesiastical career on account of its binding the cleric to celibacy—that is, in the Latin Church. This pledge, contained in the acceptance of the Subdiaconate, is equivalently a 'solemn' vow of perpetual chastity, and not only makes it impossible for the Subdeacon ever to contract a true marriage in conscience and before God, but binds him also to the practice of mental and bodily chastity by a *new obligation*, beyond the one imposed on him, as on all other Christians, by the Sixth and Ninth Commandments of God. So that any sin against either precept will be in future a *twofold* sin, on account of the *vow*, violation of which is an offence against another Commandment—the Second.

Celibacy not an essential of faith.

For controversial purposes it behoves us to remember that the celibacy of the clergy is not a Divine, but only an ecclesiastical, ordinance, and, moreover, a point of discipline not universally enforced throughout the Catholic Church. Though its elevating influence upon the life of a priest be obvious, nevertheless it forms no necessary part of Catholic faith or morality.

Greek discipline.

In the Eastern Church—among Greek Catholics as well as schismatics[1]—a cleric destined for

[1] Self-called 'Orthodox,' while they call us (but not the Anglicans) 'Catholics.'

Sacred Orders may marry. But he must get the marrying over before taking the *Diaconate*, there being no Subdiaconate in the Greek Use. He may not, however, marry again if his wife dies. No Greek in Deacon's Orders can take a wife, and still less when in Priest's Orders. The Greek practice cannot, therefore, be quoted in favour of matrimony as practised among Anglican clergy. But while this is true, we must guard against defending the celibacy of our own clergy as if it were part of our faith, and could not, absolutely speaking, be otherwise. As for Greek Bishops, they must all be celibates. Thus, the presence on the Episcopal Bench of a Bishop who had married once, and even twice, while a Bishop would be simply unthinkable to faithful members of the 'Greek Branch,' as our Anglican neighbours call them.

Office of the Subdeacon.

1. The *Subdiaconate* confers the following spiritual faculties: that of assisting the Deacon at the altar—*e.g.*, at Holy Mass; of reading or chanting the Epistle at Mass; and of washing or 'purifying' *palls* and *corporals*.[1] With the reception of this grade begins the duty of reciting the Divine Office daily. The Subdeacon is also bound by

[1] The *pall* is the small square of stiff linen used for covering the *paten* (plate belonging to the chalice), and is placed directly on the chalice during the sacred parts of the Mass. The *corporal* is a linen cloth, spread upon the altar during Mass, upon which to rest the chalice and consecrated Host. The washing mentioned is a preliminary cleansing, on account of the sacred uses to which this linen has been put. The washerwoman can have her turn afterwards.

the ecclesiastical prohibition against trading, as technically understood in Canon Law. This does not forbid *every* kind of buying and selling, but mainly buying at one price for the purpose of selling at a profit, without, in the meantime, *improving*, and so adding to the value of, the thing sold. Thus, to buy cattle and then to sell at a higher price in consideration of pasturage supplied them is not canonically 'trading.' Nor is the mere *selling* of anything forbidden.

Office of Deacon.

2. The *Diaconate* is the first of the three Sacred Orders that *certainly* confers interior sacramental grace, and it empowers the Deacon to be the *immediate* assistant of the Priest at the Holy Sacrifice, to read or chant the Gospel, to preach, and also, if deputed, to baptize with the full ceremonies, and to administer Holy Communion in cases of necessity. Without being deputed, he can administer Viaticum (not Absolution nor Extreme Unction, of course) to a dying person when a priest is not available.

The Sacrificial Priesthood: two powers.

3. The *Priesthood* confers Sacramental grace and gives interior power to pronounce with effect the words of consecration over the bread and wine at Mass, by which these are transubstantiated, or invisibly changed in their inner natures and substances, into the real Body and Blood of Christ; also, to forgive sins.

'Faculties.'

This *second* power exercised over the *mystic* Body of Christ, the Church, and derived from Our Lord, is, however, dependent for its valid *use* upon the priest having allotted to him a sphere

(jurisdiction) in which to exercise it, which is called receiving 'faculties.' Thus a priest just ordained cannot proceed straightway to hear confessions on the mere strength of his ordination. And if afterwards he receive faculties for diocese A, he cannot on that account absolve from sin in diocese B.

Relation to other Sacraments.

A priest can also administer the Sacrament of Extreme Unction, and, if fully commissioned as a parish priest or missionary, can validly assist at marriages within the territory assigned to him. Episcopal Orders, beyond conferring the ordinary powers of a priest, enable the Bishop to administer Confirmation as its *ordinary* minister,[1] to consecrate priests and Bishops, and, when jurisdiction has been granted by the Holy See, to rule the part of the Church or diocese committed to his charge. Episcopal jurisdiction may be granted before consecration.

An important distinction.

Let us carefully note the difference between *Orders* and *Jurisdiction*—that is to say, between the inward reception of certain inalienable spiritual powers, such as those of saying Mass or making priests, and the *right to use* these powers in relation to souls and in the Name of Christ. This distinction is important in controversy with non-Catholics.

What *Orders* require.

For *valid* sacerdotal Orders—to confine ourselves to these—nothing more is needed than that

[1] We saw, under Confirmation, that the Holy See sometimes gives this power to priests (Second Series, Part I., p. 383).

the male candidate applying for them be a baptized person, and that the consecrator should himself have received valid episcopal ordination, make use of a rite capable of conferring the Priesthood, and have the general intention of doing what the Catholic Church does when she confers the Priesthood.

Now, all these requisites *may* be found outside the pale of the One Holy Catholic and Apostolic Church governed by the successor of St. Peter in the See of Rome—*e.g.*, in the Russo-Greek or Russian Church.

What *Jurisdiction* requires.

But *Jurisdiction* can only be had in the One True Church of Christ, since she alone is legitimately descended from Christ's Apostles and possesses Apostolical Succession.

Apostolical 'mission.'

Let us penetrate into this truth further. In order that any minister may have the right to rule and minister to men in spiritual matters at the present date, it is essential that he should have received this right ultimately from the Fountain and Source of all spiritual power—the Divine Shepherd, Christ Our Lord. As Our Lord said, when commissioning His Apostles: 'All power is given to Me in heaven and in earth. Going therefore, teach ye all nations, baptizing them,' etc.[1] This right, therefore, can only reach the pretending minister by being *transmitted to him personally by Christ* through the medium of the Apostles, and through their duly appointed suc-

[1] Matt. xxviii. 18.

cessor, up to date. 'How shall they preach unless they be sent?'[1]

Wanted: a pastoral pedigree.

Moreover—and this is the *main point*—since men *need to know* the genuine envoy of Christ from the spurious one, the *fact* of this transmission of authority must be a *visible, tangible fact*, capable of being investigated and tested. Hence the *process* by which the alleged minister of to-day has *personally* had the right which he claims passed on to *him* must be susceptible of *intelligible proof from appreciable facts*. The right to guide my precious, immortal soul amid the deceitful shoals of this life, claimed by the Rev. So-and-so, must rest not merely on the fact that he is arrayed clerically, functions as a clergyman in some ecclesiastical-looking building, or in Hyde Park, or that he *asserts*, or *takes for granted*, or *inwardly feels* that he is sent by Christ. His inward 'spiritual experience' of a call and of a mission, if not a delusion, may possibly justify him in conscience for claiming my submission; but, being beyond my ken, it will not suffice *my* conscience for yielding it. No; if I am duly alive to the seriousness of salvation, I shall need more than all this: namely, that the man before me be able to trace definitely and intelligibly the *pedigree* of his pastoral office step by step back to the Divine Shepherd, the Supreme and Invisible Head of the Christian Church, from whom all spiritual jurisdiction must needs flow to His earthly ministers.

[1] Rom. x. 15.

Position of Catholic priest.

This the Catholic priest alone can do. He points to his faculties received from the Bishop; the Bishop points to the Papal 'Bulls,' signed and sealed, giving him jurisdiction over his flock; the Pope, in turn, points to his official and historic descent from St. Peter; and St. Peter can point to Matt. xvi. 16, Luke xxii. 32, and to John xxi. 20, the credentials for Papal claims, in which passages the Supreme Shepherd of Souls, Christ Our Lord, shares with His chief Apostle His own attributes as the 'Rock,' 'the Author of our Faith,' and the 'Good Shepherd.'

Position of Anglican clergyman.

The Anglican minister, on the contrary, is cut off from a true and *wholly spiritual* descent from Christ by the Royal Supremacy, as devised by Henry VIII. and enforced by Act of Parliament, and finally established under Elizabeth—a truth brought home ignominiously to the Anglican Bishop when, previous to his instalment, he acknowledges on his knees before the Sovereign of England that he receives the 'spiritualities,' as well as the temporalities, of his see from the Crown![1]

The Royal Supremacy of the *temporal* Sovereign in 'spiritualities'—a thing devoid of all Scriptural 'warranty'—is a 'non-conducting medium' for the transmission of *spiritual jurisdiction.* The *temporal* Crown cannot impart what it has not got.

Orders: a different case.

The possession of true *Orders*, on the other hand, is quite a different matter. Once these are

[1] See 'Episcopal Jurisdiction in Bristol,' by Bishop Brownlow. C.T.S 1d.

received, the powers attached to them can never be taken away.[1] Just as the true priest shares in Christ's Priesthood, so does he share in its perpetuity: 'Thou art a priest for ever according to the order of Melchisedec.'[2] This word—spoken of Christ—has its application in a subordinate sense to His ministering priests. If a man be originally ordained in due form, he becomes possessed of the indelible 'character' of the Priesthood, and no declension in his faith or moral conduct can ever deprive him of it. He may fall into heresy or schism, but a priest he remains. Yet clearly, while running off into error with the sacerdotal powers he has received, he breaks connection with the Divine Shepherd and Head of the Church, and hence can no longer claim to tend the sheep in His Name. He is no longer *sent*. 'And how shall they preach unless they be sent?'

[1] There is a most painful ceremonial to which the Canon Law subjects priests convicted of enormous crimes called 'degradation.' The culprit is fully vested as if about to celebrate Mass; then each vestment is taken off him in succession—an exact reversal of the ceremony enacted at his ordination. But this terrible rite only expresses the Church's wish that she *could* take back from him the sacred gift of Orders of which he has proved himself so utterly unworthy. No power on earth can ever do this in reality, any more than it can cancel a Baptism or a sacramental Confirmation. The above penalty of 'degradation' was inflicted, before his execution, upon the unfortunate priest who attempted to murder the late Queen Isabella II. of Spain, in the year 1852, at a public court ceremony.

[2] Ps. cix.

These reflections help us to understand why the mere possession of true sacerdotal Orders fails to prove either that their owner belongs to the true Church of Christ, or that he has any right to minister to the flock of Christ.

Orders no proof of orthodoxy.

Consequently, the argument sometimes advanced by Anglicans—'Our position is sound because our clergymen are real sacrificing priests just as much as the "Roman" clergy'—contains a false inference *as well as* a false supposition of fact. Most of the heresiarchs condemned by the earlier Councils of the Church—Arius, Donatus, Nestorius—were true sacrificing priests. But that did not make their position good. The gift of true ordination or episcopal consecration, which they received while still faithful to Rome, could not, indeed, be taken from them on their secession. Bishops they had been made, and, as far as inherent spiritual powers were concerned, Bishops they necessarily remained for ever. Hence, they retained in heresy and schism the absolute power to consecrate fresh priests and Bishops for the maintenance of their sects, although they sinned by using it. But, on abandoning the Church, they ceased to have part or lot with the Divine Shepherd in the ruling of His sheep. Such, and no better, would now be the position of Anglican clergy, and Bishops also, even if their claim to sacerdotal Orders could be maintained. But, as we know from the Bull of Leo XIII. on Anglican Ordinations (of September, 1896), Anglican Orders, though adequate, as we

may well concede, for the ends intended by the Edwardine Reformers, are for *sacerdotal* purposes null and void.[1] Paste and scissors—though chiefly scissors—were used upon the old Catholic Ordinal by the 'New Gospellers' when framing the Ordination Rite still used by the Church of England, mutilating it and robbing it of its *sacerdotal* import and efficacy. Yet a Sacrament, to be really an outward sign, must signify the grace or powers conferred.

'Reformed' doctrine.

Further, the compilers of the present Anglican Ordination rites made it clear, besides, by their writings and speeches, that not only did they not mean to continue the line of *sacrificing priests*, but that they repudiated the very ideas of a priest and of a sacrifice, and designed to uproot them for good and all.

As even non-Catholic writers of serious history allow, 'the Mass is the thing' which the Reformation in England mainly set itself to destroy.[2] The notion of a sacrificing Priesthood has, indeed, been generally revived by High Churchmen within the memory of many still living. We 'mind the

[1] The late Dr. Ryle, Anglican Bishop of Liverpool, in one of his charges said: 'On the one hand, the Roman Catholic clergyman was a real priest, whose great business it was to offer the Sacrifice of the Mass; on the other hand, the Anglican clergyman was not a priest, but only a "presbyter," whose chief business was not to offer a material sacrifice, but to preach the Word of God and administer the Sacraments' (*Guardian* report).

[2] See Second Series of 'Letters,' Part I., pp. 195, 196; also quotation from Dean Lefroy (Norwich), *ibid.*, p. 200.

bigging o' it.' But this revival of abstract *beliefs*, however sincere, will not cancel historic facts and their theological consequences, nor mend the fatal flaw in the continuity of sacerdotal Orders created long centuries ago, and which prevents the Anglican from reviving in *reality*[1] what he now rightly holds to be an institution of Christ.

Rejection of Anglican Orders by Rome.

Leo XIII., in his Bull of September, 1896, did not reject Anglican ordinations as invalid on the ground that these were used by a body not in communion with Rome; for in that case he must have rejected equally Greek ordinations, which Rome has never done. No; Pope Leo's condemnation rested upon *the essential, inherent defect of the Anglican Ordination Rites*, and the unmistakable *intention*, which the significant alterations made in the old Catholic Rite revealed, of *not* making sacrificial priests. This 'mind' of the Reformed Church of England we find emphasized from time to time by more modern Anglican Bishops. The present writer remembers to have heard more than once from the lips of the late Father Anderdon, S.J., nephew of Cardinal Manning, the story of his own ordination as an Anglican. After the Bishop had conferred 'Priests' Orders' on W. H. Anderdon and his

[1] An attempt was made in 1662 to repair the essential flaw in Anglican Ordination created in 1552. But the correction, as we see, came a hundred years too late. True Orders had meantime been lost to the Church of England. Truly ordained *Bishops* had ceased, and hence their use of the amended ordinal could not create true sacrificing *priests*. No Bishop, no priest. And, equally, no priest, no bishop.

fellow-candidates, he summoned the young men before him, and then addressed them to this effect: 'Gentlemen, I have called you together in order to give you clearly to understand that, whatever else I have done for you to-day, I have *not* made you *sacrificing priests*.' And the narrator added that the Bishop's words came as a severe blow to his High Church views.

'Priest' in the Book of Common Prayer.

The appeal sometimes made by Anglicans to the use of the term 'priest' in their official books is entirely inconclusive. We saw just now in a footnote how Dr. Ryle, an authorized Bishop of the Church of England, understood the word 'presbyter'—from which 'priest' is derived. There the Anglican Bishop was in perfect 'continuity' with the old Anglican divine, Hooker, whose work on 'Ecclesiastical Polity' used to be greatly recommended by Anglican authority to candidates for Ordination, presumably in order that they might gather a *correct* idea as to the nature of the Orders about to be conferred upon them. Now, Hooker, the 'judicious,' a High Churchman in his day,[1] writes thus: '*Sacrifice is no part of the Church's ministry*.' And concerning the term 'priest,' he says: 'It draweth no more men's minds to any cogitation of *sacrifice* than "senator" or "alderman" causes them to think of old age.'[2]

[1] See 'Dictionary of Sects and Heresies,' by Rev. J. H. Blount.

[2] For readers unversed in Latin let it be said that 'senator' is derived from *senex* (old), and, of course, 'alderman' is another form of 'elder,' or 'older,' man.

Matter and Form of Holy Orders.

Matter of the Sacrament.

The 'matter' of *sacerdotal* Orders consists of the imposition—or successive impositions—of hands by the consecrating Bishop over or on the heads of the candidates. The last of these manual acts is also performed, after the Bishop, by the assistant priests. The prayer 'Exaudi nos,' etc., and the 'Preface' said by the Bishop at this part of the rite, constitutes the 'form' of the Sacrament, and determines the *significance* of the imposition of hands.

Academic disputes.

As to the relative essential values of these acts there are differences of opinion among theologians, and also as to the necessity of the ceremony called the 'Delivery of Instruments.' The Bishop places into the anointed hands of the priests a chalice, containing wine and a few drops of water, together with the paten (or small plate), bearing a Mass wafer. The far commoner view is that, impressive as this piece of symbolism is, and well adapted to express the power of *sacrifice* conferred at Ordination, it is, nevertheless, not *essential* for the Sacrament. The Ordination rite otherwise sufficiently signifies the sacrificial Priesthood (*sacerdotium*). Moreover, the ceremony in question does not appear in the ancient Greek rite, which the Catholic Church admits to be valid. It was first introduced locally about the eleventh century, according to Chardon.

Safe practice of the Church.

But here it is important to note that such theological differences of view are purely academic, and in no way influence the *practice* of the

Church, which invariably insists on the performance of even *doubtfully* essential portions of the rite, and requires their being supplied in case of omission. No risk may be incurred in so vital a matter as the security of sacerdotal Orders.[1] As already explained,[2] the Church of Christ, enjoying her Divine Founder's repeated promise of the Holy Ghost for her assistance, cannot err in prescribing sacramental rites. So long, therefore, as these are conducted according to her directions they will always be valid. The general guarantee as to the reliability of Sacraments lies in the fact that they are administered by the true Church of Christ. It is not the trustworthiness of the Church that depends upon the reality of her Sacraments, but, on the contrary, it is the reality of Sacraments that rests upon the trustworthiness of the

[1] So, too, no minister is justified in *using questionable*—*i.e.*, merely 'probable,' and not secure—sacerdotal powers. Hence a clergyman of 'advanced' views who undertakes to say Mass—in the Catholic sense—and to absolve from sin penitents confessing to him, merely on the conviction that 'a very good case can be made out' for the sacerdotal nature of the Anglican Ordination Rite, is really assuming these dread responsibilities on the sole strength of a 'defensible view'—*i.e.*, a greater or lesser *probability*. And no one can lawfully run such awful risks. Even if a tolerable acquaintance with the theological literature of the subject has not given him any other reasons for grave misgiving, at least the fact that neither Rome, nor the Greek Church *at variance* with Rome, regards the Anglican 'Presbyterate' as *sacerdotal*, ought to set him thinking.

[2] Second Series, Part I., p. 65; *ibid.*, Appendix III., pp. 380-382.

Church. The Church, however, only knowing, and therefore only being able to define, what was handed down to her in the deposit of faith by the Apostles, may not always be able to declare whether this or that *particular point* in a sacramental rite be essential or not. That of which she has full consciousness is that the *whole rite* is certainly valid for the effect attached to the Sacrament by Him who instituted it.

The Minister of Holy Orders.

Bishop makes Bishop.

Only one invested with Bishop's Orders has power to make, or consecrate, another Bishop. Besides, for *lawfulness*, at least two Assistant Bishops are required by law. Their co-operation, however, is not essential for the validity of consecration. Yet, if the chief consecrator be no Bishop, the defect will not be repaired by the fact that the Assistant Bishops are real ones.

The Elizabethan Primate.

This point has been raised against the consecration of Matthew Parker, Anglican Primate in the reign of Elizabeth, upon which the validity of present Anglican Ordinations ultimately depends. Of the Bishops known to have taken part in Parker's consecration, Barlow, the chief consecrator, cannot be satisfactorily shown to have been himself episcopally consecrated. He seems to have enjoyed the loaves and fishes attached to episcopal sees, but satisfactory evidence of his *spiritual* qualifications is entirely lacking, which defect, however, according to sentiments traced

to him, would have been amply compensated for by the good pleasure and choice of the Sovereign —*i.e.*, of Henry VIII.

A Bishop is also essential for ordaining a Priest, and, more probably, for conferring Deacon's Orders also. As for the Subdiaconate and Minor Orders, the Holy See sometimes empowers Priests to confer these grades, as, for example, Abbots of monastic communities. Though every Bishop can, not every Bishop *may*, ordain an applicant. Usually the Orders must be conferred by, or at least with, the permission of the applicant's own Bishop; that is to say, either the Bishop of his place of birth, or of place of fixed residence, or to whose household he has been attached, and at whose cost he has been maintained; or, again, the Bishop of the diocese in which he is in full possession of a benefice capable by itself of maintaining him. This last is not often the case in our day.

Bishop makes Priest.

The canonical ages for receiving the various Orders are as follows:

Ages for various Orders.

For the tonsure and Minor Orders, seven years.

For the Subdiaconate, twenty-one years.

For the Diaconate, twenty-two years.

For the Priesthood, twenty-four years.

For the Episcopate, thirty years completed.

The Holy See occasionally gives dispensations to anticipate the age for the Priesthood by a year, or a year and a half; but no anticipation is ever allowed in the case of the Subdiaconate, and rarely in that of the Diaconate. Apart from possessing

the requisite age, candidates have to observe certain *intervals of time* between the receiving of the various grades. But dispensations from this Law of Trent are obtainable for adequate causes.

No duty to rise from grade to grade.

There is no obligation to rise from one grade to a higher one, neither is it unlawful to abandon the ecclesiastical state and to marry, after having received the tonsure and Minor Orders. We saw that a cleric is not finally tied to the ecclesiastical state until made Subdeacon.

The Candidate for Orders.

This part of our subject may be divided into two:

1. Vocation to the Ecclesiastical State.

2. Immediate requirements for receiving the Sacrament of Orders.

1. *Vocation.*—We have already considered somewhat fully the question of States of Life and of Vocation to the Ecclesiastical State.[1] As we saw, an *exterior* call from the Church and an *interior* call of grace are both needed—sufficient mental and moral endowments being presupposed as a basis.

Loss of 'vocation' possible.

Here we may add that a person may at one time have a true 'call,' and yet afterwards forfeit it by falling into evil ways, or by idling away his opportunities for study and self-improvement. On the other side, cases may occur in which moral goodness begins only with the adoption of the Ecclesiastical State, or shortly before.

[1] See above, Chap. IV.

Almighty God may, and, as Church history shows, has not unfrequently, called former sinners to His special service. This has also been true of vocations to the Religious State, more so, perhaps, in the case of more austere and penitential institutions than of others. St. Augustine of Hippo, the great luminary of the African Church in the fifth century, is an instance of the former case.

Past sin no essential impediment.

But usually it would be sinful for anyone given to vice to bind himself to the ecclesiastical state, except he saw some solid prospect of being able soon to reform himself.

Again, examples are not wanting of great mental deficiencies being suddenly repaired after adopting the clerical or clerico-religious state. Francis Suarez, the eminent theologian and Professor of Divinity, is a notable case in point. Admitted into the Jesuit novitiate in 1564, he at first appeared incapable of mastering his studies, so that his superiors thought of sending him away. But the young man's great devotion to Our Blessed Lady, 'Seat of Wisdom,' coupled with untiring industry and a retentive memory, developed in him the splendid theological talent revealed in his twenty-eight folio tomes—a gigantic work, recalling by its thoroughness and subtlety the 'Angel of the Schools,' St. Thomas Aquinas, of the holy Order of St. Dominic. In England Suarez is perhaps known as the author of 'Defence of the Catholic Faith against Anglican Errors,' written in reply to James I. of England. It obtained the honour of being publicly burnt by the hangman in

Lack of mental qualifications.

London, and, for political, rather than theological, reasons, in Paris too, by order of Louis XIII.

2. *Immediate Requirements.*—Holy Orders being a Sacrament 'of the living,'[1] it must be received in the state of grace. The candidate should have received the Sacrament of Confirmation, though this is of lighter obligation.

[1] See Series II., Part I., p. 18, No. 3.

THE SACRAMENT OF MATRIMONY.

No. VI.

COURTSHIP AND 'COMPANY-KEEPING.'

Rarity of true 'engagements.'

PROBABLY most priests on the English Mission will be inclined to agree that in this country, previous to the New Matrimonial Decree 'Ne Temere,' of Pius X. (August, 1907), real 'engagements' or betrothals, even of a private character, were the exception rather than the rule. We may say, 'previous to' the decree, because since it came into force[1] no real betrothals can possibly have been effected unless carried out in the written form lately prescribed by the Holy See, and such have probably been rare.

More commonly amongst us there has been 'courtship,' or what is often, though not always, the same—viz., 'keeping company'—of longer or shorter duration, with a sort of tacit understanding between the parties that the acquaintance purported to end in matrimony. They spoke of each other as 'my young man' or 'my young woman,' or as *fiancé* and *fiancée*, though the former

[1] Easter, 1908.

more popular expressions are not conclusive proofs of settled matrimonial intentions—at all events, in any near future.

English usages.

By this, however, it is not implied that there is necessarily something morally wrong in such tentative companionships between young people of either sex. For many a poor girl simply regards it as a public reproach not to have a cavalier 'to take her out' in leisure hours. Then, in these colder climes (and still more in America) there is a recognized measure of freedom in the intercourse of the sexes, such as in some lands, where natures are more passionate, would be taken, and not unreasonably taken, as shameless, and even as a strong presumption of moral mischief. And although there is, God knows, plenty of such mischief amongst our young and as yet unmarried pairs, yet it would be rash universally to condemn 'walking out' as unlawful, more especially among the less prosperous classes.

Nuptial disadvantages of the poor.

For one must remember that poorer folk have not the same social facilities in their cramped, and often wretched, homes which wealthier people enjoy. Even domestic servants are pretty generally hindered in one way or another from cultivating male acquaintances in the house. Such company-keeping is, therefore, mainly confined to walks, houses of friends, refreshment-rooms, and places of entertainment.

And yet, since the poorest girl has a natural right to provide for her 'settlement in life,' if she can and wishes—just as good a right, in fact, as

the young ladies whom she waits on in her situation—she has also the right to take the only available means for making marriage possible, provided those means be *in themselves* lawful and becoming.

Dangers of 'company-keeping.'

This much one must grant. And yet the adoption of such lawful and necessary means is often attended incidentally with occasions dangerous to a girl's virtue. These may, indeed, arise from the girl's vanity, craving for notice, excessive love for new sensations, experiences, amusements, etc., or from some other inherent weakness of character; or, again—and perhaps more frequently—from moral weakness and lack of principle in the 'young man.'

Mother's duty.

Where a mother, in any rank of society, is truly anxious, above all things, that her girl should keep good, or, as the poor express it, 'keep respectable,' she will provide a safeguard by having a watchful but discreet eye upon her daughter's intercourse with young men. Parents have a duty in this, and, consequently, a corresponding right of supervision—one which they ought, nevertheless, to use with prudence and tact. *Vexatious* restrictions and 'nagging' may fan into the flame of love an undesirable companionship, which is as yet barely an attachment. Such very necessary supervision will, however, be impossible if a young girl is foolishly allowed to consort regularly with some young man who is unknown to her mother, and, as regards his moral character, unknown to the girl herself—an abuse not unfrequently to be met with in these independent days.

Youthful impatience of restraint.

A state of things like this plainly exposes an innocent or, if you will, ignorant girl to the unholy designs of a vicious lover who may be immoral, or a drunkard, or a gambler, or all three combined. The worst is that so many young women of to-day resent all cautions and restrictions on the part of the family as being either due to the jealousy of sisters, or as being old-fashioned, kill-joy croakings of parents who are 'behind the times.' As to this last, possibly the world has advanced in some ways since the day when our parents were marriageable.

Opposite poles.

But there is scant evidence of any change for the better in the matter of prudence in the choice of nuptial mates. It may be well for us that English mothers do not adopt the old French system in respect of marriageable daughters, according to which Célestine is *supposed* hardly to know that sexual love exists, until one fine day her mother presents to her astonished eyes the maternal choice—Victoire, the spick-and-span son-in-law-elect. That is one undesirable extreme. On the other hand, the free companionship which prevails so much amongst our young people, and seems largely due to female pursuits, pleasures, and sports being likened to those of men, tends to an opposite end, and, from the moral standpoint, perhaps a more dangerous extreme. The French plan was, indeed, prolific in conjugal unhappiness, through the artificial blending of incompatible natures; but it was probably less productive of ante-nuptial irregularities and subsequent conjugal

infidelity. Loss of mutual respect before marriage will seldom be followed by mutual respect after it.

How mischief comes.

But to return to poorer young women, who have not the same home protections which favour virtue in more prosperous girls. It is naturally pleasing to a girl's vanity to be sought after and admired by the other sex. She sees other girls of her own standing with their cavaliers. Accordingly, Lucilla, the unnoticed, conceives it a point of honour not to be outdone by Clarinda; and then comes the danger of her taking up with the very first plausible 'unknown' who volunteers a soft word or performs some gallant service.

Then, when the friendship has been well cemented by a liberal shower of attentions from the male side, the young man begins to feel a sort of ownership in the girl. He fails to see why he should give everything, and get nothing in return. Hence, if lacking in principle or weak in character, he will make a bid for, or take, favours of an exorbitant kind, such as a girl cannot concede without grievous sin. The girl falls into his power, and though she begins to yield by reluc tant inches, he may claim by the ell, and things may reach a pass which, in the beginning, would never have entered the girl's mind, or if it had, would have been instantly scouted with contempt and horror.

For, moral disasters of the sort do not, in nine cases out of ten, spring from any exceptional tendency to vileness in a girl's heart, beyond what original sin has developed in the natures of all of

us. No; vanity, love of admiration and of excitement are the principal hooks by which maiden virtue is more commonly caught. The girl seeks for attention, craves for it, plans for it, and in the end gets it—with a vengeance, alas!—in a measure that is inconsistent with the commandments of God and her own innocence! In one sense it is a horrible surprise; and yet it may be asserted with fair certainty that such ruin never comes about without the maiden having, at one step or other of the proceedings, prepared the way by turning a deaf ear to inward warnings of danger ahead. It constantly happens in this world that most serious results follow from comparatively slight causes.

A vicious fallacy.

In this connection it will be well to 'scotch' a false notion sometimes entertained by less well-instructed people. A young man a-courting might delude himself with the idea that anything almost is lawful—provided it be not done without the girl's consent—on the principle, perhaps, that 'all is fair in love and war.' Of course, violence would greatly aggravate matters, but it is not needed for sin. He may overlook the truth that sins of immodesty are always offences against *God*, Who forbids them, and not only against one's neighbour, who, moreover, has no *right* to consent to their commission. If it depended upon consent, then no wrong would be done when consent is given; for, as the axiom has it, 'No wrong is done to him who knows and consents.' But that is not the point. God gave us our whole being,

body as well as soul, and we have no right to use either except in accord with His will and commandments. In a false view like the above we have the germ of that kind of profligacy called divorce by mutual consent, favoured by godless social reformers. It is the fruit of a humanitarianism which puts the will of man in the place of the will of his Creator, and so fosters the error that there are no sins worth mentioning, nor duties to be insisted on, except such as relate to our fellow-creatures. This is an impudent denial of the rights of God.

Maiden safe-guards: a difficulty.

It may now be useful to point out some means for keeping maiden virtue safe. But, in the first place, let us discuss a preliminary difficulty which may be felt by good young women of all conditions in life, who are entering upon womanhood with little or no knowledge of the world, or of the possibilities of evil which it contains.

How far, it may be asked, is it needful for young women to understand concerning the natural relations between the sexes and about matrimony?

Curious investigation.

Girls, though not girls only, are liable to the temptation of secretly ferreting out information on such matters. They may urge, quite honestly, perhaps: 'Things that I have already been forced to hear or notice have made me aware of certain moral dangers attached to association with the opposite sex, of which, however, I have only the vaguest notions. Surely, for my own protection's sake, I ought to know all about such things. It is a shame that those responsible for my education

should not have enlightened me before letting me loose upon the world.'

Discussing premature knowledge.

Now, it may be readily granted that innocence, based on ignorance of possible snares to Holy Chastity, and *on nothing else*, is a very meagre equipment for a girl's struggle in life. On the other side, (1) knowledge of the kind may be acquired far too early. There are those who will maintain on principle that even girls in their early teens should be fully posted in sexual matters. Such a policy, it is here submitted, is a reckless abuse, having no other probable effect than to tarnish the precious jewel of mental purity in the young. One hears convents abused at times for letting their scholars grow up in ignorance of such things. The charge takes for granted that nuns know all about it themselves. But granting that they do, God bless them for their efforts to preserve the young confided to them in their innocence!

An opinion.

(2) When a girl is of ordinary marriageable age, and betrothal or matrimony has come within the sphere of *immediate* practical politics, it is certainly well that mothers, or those filling their place, should explain matters essentially in a simple, business-like, matter-of-fact way, free from all mysterious innuendoes which would only tantalize and stimulate further morbid curiosity. It is hardly necessary to say that clearness is quite compatible with delicacy.

The root of the matter.

It is not definite knowledge of processes ordained by the Divine Author of nature, *season-*

ably imparted, or acquired as part of a person's professional duty, which is likely to injure morals, so much as the secret practice of exploring their mysteries inch by inch, through surreptitious means, such as dipping curiously into scientific dictionaries or manuals, or leading others on, who are thought to know, to discuss such topics. (Here, by the way, married women may themselves be most indiscreet in their talk with young and unmarried members of their sex.) It is this protracted, solitary investigation, where each incomplete discovery provokes fresh curiosity, that maintains the youthful mind in a state of unhealthy pruriency, and fosters a morbid habit of sensual day-dreaming. The unhealthy curiosity here referred to must be distinguished from an intellectual curiosity *of knowledge* for its own sake.

For truth or for pleasure?

Curiosity to know truth in any branch of information is not wrong; nay, it is thoroughly rational in itself, though, where such knowledge is unnecessary, it is best left alone. But the curiosity blamed above is not genuinely indulged for *knowledge*' sake, but for the sake of the *sensual* gratification found in that particular kind of knowledge. This, however, will *of itself* not exceed venial sin, yet it most easily develops into an occasion of grievous temptation—above all, with imaginative, impressionable characters.

Seasonable knowledge.

To return to our point. No girl, it is submitted, should be suffered to commit herself finally to matrimony without being enlightened, at least in substance—by her mother, for a preference, or

else by a discreet person of her sex—as to what will be required of her as a wife. Not that ignorance would endanger—as some might argue—the *validity* of her nuptial consent at marriage; for that consent would include implicitly the acceptance of all the duties of married life *as adopted by everyone else.* All the same, no newly married bride should have cause to protest afterwards that had she known more about married life she would never have consented to marry. That *is* sometimes said, and with unquestionable sincerity. Perhaps some might smile at this incredulously, but they are cynics. Experience proves that such innocence and love of perfect chastity exists.

Is knowledge of evil necessary for safety?

To come now to those who have as yet no matrimonial prospects. Should not these, too, have definite knowledge of sexual matters, for their own preservation's sake?

It is difficult to see the necessity—that is to say, *for the end alleged.* In order to be *safe* from a danger, all that is needed is *to know, and to adopt, the practical safeguards.* For the rest, the evils of concupiscence are best left unexplored. It was Satan who ruined our race by plausibly whispering into the ear of Mother Eve: 'No, you shall not die! For God doth know that in whatsoever day you shall eat thereof' (*i.e.*, of the tree of knowledge of good and evil) 'your eyes shall be opened: and *you shall be as gods, knowing good and evil.*' Eve ate, and was ashamed. 'Be not wiser than it behoveth you to be wise,' is St. Paul's warning.

The right side of the fence.

To illustrate the sufficiency of observing the safeguards: I am walking in the dark along a country pathway. I know that, off my path, on my right, there is a deep pit, into which every sort of disagreeable refuse is thrown. I also know there is a protecting fence between me and the pit. In order to be safe from falling down, is it necessary that I should investigate all the nastiness below? No: I have only to keep *on this side of the fence.*

Advice.

So, too, there are certain precautions to be adopted in my relations with the other sex, which, if adhered to, will keep me safe on the right side of the fence. For example:

1. Avoid strictly, and in *its very first beginnings*, everything that you feel instinctively to be 'not nice,' to use the feminine phrase—anything that seems doubtful, risky, overbold, whether in thought, in reading, in gazing, in art, in talk, in dress, in external behaviour or demeanour, whether alone or in company.

A despised grace.

It would surely be a grave mistake to underrate the *wealth of security* contained in the maidenly instinct of sex-modesty possessed by any decently brought-up girl, whether rich or poor. Of the two classes, it is probably more strongly and prematurely developed in the poor, because the latter are forced by the necessities of their work and occupations to 'rough it' amongst 'all sorts and conditions.' Still more unpardonable would it be to undervalue the *Catholic* instinct of feminine modesty fostered by the precise moral teach-

ing of our Faith, and strengthened by constant reception in Holy Communion of that Great Purifier of man's sensual nature, the Holy Body and Blood of Christ. Even apart from such Catholic advantages, that maidenly instinct which unerringly scents danger from afar, although unable to define it exactly, is a special gift of God vouchsafed to woman for the protection of her weakness. It is, so to say, a second and extra-sensitive conscience in the special department of that virtue which is the chief ornament of her sex, and the loss of which is so much more disastrous for her than for men.

Woman's additional sense.

To give it a name, one may call it the *instinct of modesty*—modesty viewed as distinct from holy purity, strictly so called. The two are sister virtues, the elder, Modesty, guarding the younger and more delicate sister, Chastity. Or, to change the metaphor, Chastity is the inmost citadel of the maiden castle, and last refuge in case of violent attack, while Modesty is the wall of outer defence. As long as the enemy be never allowed to scale the outworks of Modesty, the inner citadel will be safe; whereas if the chatelaine's lack of vigilance, firmness, and self-control allow the attack to penetrate as far as the walls of the very citadel, then it is indeed a fight for dear life, and God grant there be no shameful surrender, especially in the case of weaker, softer, or more excitable dispositions.

Male attentions.

2. Be on your guard when any but the most ordinary male attentions and services of a *personal*

kind — except such as any woman may rightly expect—are paid to you, and have a wholesome suspicion of male conversations strongly flavoured with flattery, or that have taken a *personal* and more intimate turn.

Freedom of manner.

3. Never tolerate the *smallest* liberty with your person. The unvarying rule should be, 'Hands off!' or 'All trespassers will be prosecuted.' This does not mean that some very trivial piece of over-freedom must be called attention to on the spot, and, so to say, nailed to the counter. Without advertising the fact publicly, there are unerring ways of showing plainly to the offender that the thing is noticed, and—what is the essential part—*disliked*.

Suspicious pleas.

People may sometimes plead that a chain of circumstances has led to a 'brother and sister' state of things, and that there is 'nothing in it.' Well, sometimes this may be true, especially when a certain age has been safely passed. But, speaking generally, such a footing between those who are not related, or very distantly related, might pass if the two parties had, like Our Lady, been conceived without original sin. Taking human nature on its average, no fanciful relationships are much protection against sensual passion, since even very real and near ones are, alas! not always so. The vital fact remains that the two are *not* brother and sister, and that makes all the difference.

Another plea might be: 'Why, he's old enough to be my father!' Yes; but there are old fools

about, as well as young ones! Moreover, it is a delusion, contradicted by public facts of experience, to imagine that the stronger seductions of passion are confined to a man's twenties or even thirties.

Solitary conversations.

4. Shun prolonged and solitary *tête-à-têtes* with men, except they be persons thoroughly well known, and of long-proved trustworthiness, or there be some real necessity, or a rational and not frivolous purpose in view.

Spiritual safeguards.

5. Last, but by no means least, fidelity to prayer and religious duties, devotion to Immaculate Mary, and, *above all*, frequent, if it cannot be *daily*, Communion, will all serve as most powerful of safeguards to virtue. Our illustration taken from a citadel suggests the warning, 'Except the *Lord* guard the city, in vain doth he watch who guardeth it.'

Leaning on a reed.

There are some proud and self-reliant natures who conceive that they are indefinitely superior to any base allurements, and scorn the very notion of a fall as being for them at least a practical impossibility. Virtue built on natural pride and intellectual elevation is a poor safeguard in the long run. If pride be above sensual baseness, it is specially amenable to refined flattery, by means of which it may be brought to that fall of which it is proverbially the precursor. Far different is the foundation of *confidence in Our Lord's protection*. For that belongs to the *supernatural* virtue of hope, and hope is essentially humble, since it throws the burden upon God,

and in the same proportion places small reliance upon natural strength.

An objection.

It may be objected to these pieces of advice: 'Then I must go about the world in fear and trembling, and suspecting everyone I meet of evil intentions!' This is certainly *not* the impression which it has been desired to produce. No one wants a young woman to strut stiffly about in a moral strait-jacket of prudishness.

Pessimism claimed

And, as for evil intentions on the part of men, the cautions given above do not proceed on the supposition of their ubiquitous presence. There may be none at all, and yet a girl's neglect of ordinary precautions may change the situation, and *give rise* to them. Their observance affords almost as much protection to the man against his latent worse self as to the woman against hers. And this is a point which perhaps the devout sex think about too little, viz., the danger *they may cause to others* by unseemly venturesomeness of manners, talk, dress, or any other neglect of feminine modesty. The probable truth that, in the majority of cases, such conduct does not, in its origin, proceed from any corrupt motive on the female side, but chiefly from trivial vanity, does not alter its tendency to lead men on. So the counsels here set down are by no means based upon the innate depravity of the stronger sex, beyond that which lurks in the heart of 'every man born of woman'—and of every woman, too.

The best policy.

Rather, one would advise the Catholic girl to go on her way in simplicity, confidence, and

kindliness to all, trusting to the protection of the Sacred Heart and of her who is the Glory of Womankind, yet, at the same time, mindful of Mary's prudent example.

Mary's example.

When Our Lady was offered by Gabriel the dignity which every Jewish maiden longed for—that of being chosen the Mother of the Messiah—she did not yield to impulse and momentary excitement, but thought within herself what manner of salutation this might be. Mindful of her vow, she *paused* and *thought:* 'How shall this thing be?' So let a prudent Catholic maiden keep a calm eye to such scraps of wisdom as the present writer has been able to collect for when emergencies arise.

Poor young men!

Some reader may say: 'You have advised young women; but what about young men? have they no souls?' I would reply (1) that much of the above applies to them correlatively; (2) that if young women are kept in order the men will be too. The girl, if she did but realize it, has the command of the situation.

The woman holds the key.

The social relations between the sexes will usually be just what women make them. There are few men bad enough to transgress if no opening be afforded on the other side. True, a woman may in all innocence—even without any conscious vanity—so demean herself as to be wrongly understood. But what has been said above may help to guard her from even inadvertently creating danger for others, and consequently for herself.

The Period of Engagement.

By 'engagement' we do not mean here canonical 'engagement,' or real and valid betrothal. For the present purpose it is enough that there be a settled *understanding* between the parties that marriage is to follow.

A momentous choice.

The momentous character of the step taken by two people, when binding themselves to each other for life in matrimony, certainly demands from them the greatest care and forethought in the choice of a partner. A man may be wary enough when meditating a money investment, or in choosing a hunter. A young woman will devote much time and reflection upon planning a new frock, and seek (but probably not take) advice from her bosom friends on the subject. Yet when it comes to choosing a wife, or accepting a husband, although temporal and even spiritual well-being for life hang in the balance, people 'rush' matters with a light and frivolous mind.

Need of recourse to God.

These pages are written for Catholics. There ought, therefore, to be no need to insist, *in the first place*, upon the need of consulting Our Lord in earnest prayer, with a view to being rightly guided and obtaining the Divine blessing upon the matrimonial choice—I mean, *before* actually choosing.

Topsy-turvy.

Yet it is not uncommon for people to 'engage' themselves in haste, and then to go the round of their Catholic friends at tea-time piously asking

for prayers for a blessing on their selection. They are only a trifle less inconsequent than a girl who sought advice from a priest upon the choice of a state of life, protesting that her one wish was to do God's will, and who, after a long discussion and consultation, let fall—as it were in the form of a casual P.S. — that she had just become engaged to a young man who was 'simply perfect.'

Short and long engagements.

People will differ, doubtless, in opinion as to the relative merits of long and of short engagements. A few words may here be hazarded as to the *pros* and *cons* of each. The short engagement (or, what often takes its place, short courting acquaintance) has the very obvious drawback of barely allowing the pair time for more than a surface knowledge of each other. It gives them little opportunity for mutual study and understanding, for comparing tastes in those more important points which, if matters of strong disagreement, are likely afterwards to endanger domestic peace and union. Then, further, especially with the young, sexual love is apt to rest more largely (one would not say wholly) upon the external attraction of the senses, whereas the affection which makes most for nuptial happiness, which will survive lapse of time, the wear and tear of trouble and failure, and the decay of personal comeliness, is one founded on the more spiritual basis of mutual sympathy of feeling and appreciation of character. But for acquiring such intimate mutual knowledge time is needed.

The long engagement, while not so liable to these drawbacks, has its own special ones—the prolonged strain upon self-control, and consequent moral danger, more particularly when the passions are lively. For the betrothed need at times to remember that they have no special dispensation from observance of the Commandments, although, within limits, more external tokens of love are lawful, for the desirable end of confirming mutual attachment, than would be allowable during preliminary courtship. But considerable self-restraint, reinforced by prayer and recourse to the Sacraments, will be needed to keep the engagement chaste and holy, and so save either party from indulging in a degree of freedom which only actual marriage sanctifies. It is all very well for Augustus to say, in proper stage form, 'Angelina, thou art mine!' but, as a fact, Angelina is *not* his, but only promised to him for a future date. And, to speak in general, if there be not a modest mutual respect and Christian self-denial before marriage, there is likely to be a good deal less of it afterwards in ways that nuptial union itself will not justify.

Strain of long engagements.

Girls may allow themselves to be over-persuaded in the present matter. And as when in love they are often hardly rational, they need to be warned against being deceived by the specious assurances of 'young men' that 'there is no harm' in proceedings which their instinct and Christian education tells them are distinctly improper. A woman's instinct in these matters is all but infallible.

'No harm in it.'

With a view to obviating dangers, the following suggestions may be made:

Rules for betrothed.

1. The external tokens of affection may usually be judged lawful or the reverse according as they would or would not be held suitable in the presence of a well-ordered family between a loving brother and sister.

External blandishments.

2. One cannot lay down the rule that all *external caresses*, such as embracing or kissing (in a restrained and conventional way) between engaged, or practically engaged, persons are even venially sinful. And yet, if excessive, they become a danger. At the same time, when there is a fixed *mutual* intention of future marriage, such pledges of affection, if modest in kind and in degree, are *lawful* for fostering attachment. If, *contrary to intention*, such attentions carry the passion of either irresistibly beyond due limits, no *mortal* sin will be committed unless fully deliberate gratification be sought for in the excess.

Matter to be judged relatively to character.

In this matter much depends upon individual temperament, and a betrothed person must, moreover, judge of things not merely by his or her disposition, but, as charity to the *soul* requires, by that of the other party also, as far as this can be gauged.

Indiscretions.

3. Protracted *tête-à-têtes* in lonely places or in more private apartments of the house should be as far as possible avoided.

No allusion to Suffragettes.

Let a remark made under 'courtship' be repeated here, for it has double force in the case of the betrothed. If a young man really cares for

his *fiancée* (and Heaven help her afterwards if he do not!), *she has the command of the situation*. (No compliment is hereby intended to Pankhursts and Tinkle Bells of 'rowdy' fame.) Nor will a girl really enhance her value in the eyes of any 'intended' by making herself too cheap, still less by contenting herself with the ignoble rôle of a sensual plaything.

Would that in the past many Catholic girls who contracted 'mixed marriages' had realized their power, and had not been too fearful of losing their matrimonial prize! Then there would have been less of sinful marriages at registry offices, or, still more, in non-Catholic places of worship, owing to *fiancées* not having the pluck to hold their own and *insist* on marrying under full Catholic conditions.

No. VII.

ESPOUSALS OR BETROTHAL.[1]

Solemn betrothal rare.

BEFORE dealing with matrimony itself, it will be necessary first to consider the formal preliminary to marriage, called betrothal. This preliminary is best known amongst us as 'engagement.' The other more technical term sounds antiquated to our ears. And, in fact, a formal ceremony of espousals is not demanded by the Church, nor has it been very generally in use. It prevails, however, in Spain at the present time, and is quite a solemn affair.[2] The pair, arrayed in bridal garments, appear, in the presence of the relatives, before the parish priest and witnesses, and a formal document of betrothal is read, and signed.

We shall see presently that, according to the decree 'Ne Temere,' issued by authority of

[1] Though real espousals, or engagements, have hitherto been rare in these countries, it has been thought better to enter fully into the matter—if only for completeness' sake.

[2] In Spain, however, the usage took its rise in an illegitimate decree of Charles III.; but as the Spanish Church adopted the measure, and constantly acted upon it, solemn betrothals became a custom, and were confirmed eventually by the Holy See in 1880. The civil law, however, ceased to require the ceremony, though the Church of Spain did not.

Pius X., no engagement is now to be held binding by the Church, except it be solemnized in a form substantially similar to the one just described. But the decree does not demand that espousals shall precede marriage.

What is a betrothal?

Apart from external solemnities, there are certain intrinsic qualities needed for a true 'engagement.' A strict 'engagement' is defined as follows: *A deliberate and mutual promise of marriage, outwardly expressed, between two persons capable and free to marry.* To be binding, as we have just seen, this promise must now be drawn up in signed documentary form. But though it be so drawn up, there would be no real betrothal if the parties in their own minds failed to promise matrimony to each other mutually and deliberately. Were dispute to arise, and the case were submitted to an ecclesiastical court, or even privately to a confessor, the presumption would be in favour of real betrothal, on account of the external forms prescribed having been fulfilled. But this presumption would give way to satisfactory *proof* of inward defect in the mutual promises. Thus, for example, if Mary were terrified by parental threats or forced by moral pressure to sign a betrothal with John against her will, it would be necessary to prove that she had acted under fear, and not freely, before the betrothal could be pronounced invalid.

Nature of betrothal analyzed

Now to consider our definition of a betrothal more in detail:

1. A promise.

1. There must be a real *promise*, which is more

than the manifestation of a wish or intention to marry, and no expressions used by the lovers, however 'adoring' and affectionate, will supply its place. This point appears to apply especially to England, where mere intentions and plans of marriage are apt to be regarded as 'engagements.' Yet, when it comes to engagement rings, at all events, if coupled with formal announcements of the match and coming marriage—say, in the *Morning Post*—there can be no reasonable doubt that the mutual promise of marriage is a real one.

2. Deliberate.

2. The promise must be on both sides *deliberate*—*i.e.*, made with full knowledge and free consent. This is a condition of every human contract, and the *amount* of deliberation necessary is greater than that needed for the commission of a mortal sin.

Age limit.

By Canon Law no betrothal holds unless a party to it be at least seven years of age. This age limit may seem too low, but it must be noticed that by the same ecclesiastical laws there can be no question of *marriage* until the male is fourteen and the female twelve.[1] In the interval causes may easily arise which will justify a recall of the promise. In Europe of to-day, however, such early 'matches' are no longer in vogue.

Betrothed in childhood.

When children have been promised in marriage

[1] The canonical age limit for marriage may also appear too low, but it is necessary to remember that there are other countries besides England. The Church is *Catholic*, and legislates for all peoples; and in not a few lands the age of fourteen would be morally equivalent to seventeen or eighteen in England.

by parents, even with their consent, either betrothed is free to withdraw the promise on reaching marriageable age, without the consent of the other party. And, of course, where parents have betrothed their children without consulting their wishes, the betrothal has no binding force upon the children betrothed.

3. Mutua

3. The promise must be *mutual*. John may promise Mary that he will marry her, and Mary may perhaps receive the promise with favour; but that is not enough for a true betrothal, unless Mary either verbally or in some other outward way *reciprocate* the promise. Moreover, John's promise, in order to have binding force, must be reciprocated by Mary *at once*, unless he engages to wait till later for a definite reply.

Virtual mutuality.

In some circumstances, no doubt, the mere favourable acceptance on the woman's part, without any express return, would be tantamount to a reciprocal promise. Thus if, in the circumstances, a positive refusal were the only natural course for Mary to pursue if she did not mean to accept John, her not refusing would be equivalent to consent on her side. Similarly, if after being promised marriage an otherwise respectable woman permitted herself to be treated matrimonially, she must be held to have virtually promised marriage herself; otherwise she could not be supposed to have yielded. Yet, even so, a confessor, if referred to, would have to decide the matter according to the ascertained intention of the party concerned.

4. Outwardly expressed.

4. The promise must be in some way *externally manifested* on either side. Thus, if John promise Mary, and she be silent, giving no unmistakable sign of returning the promise, a necessary condition for true 'engagement' will be wanting, even though Mary *in her secret heart* mean to marry John.

5. Free to marry.

5. The parties mutually promising must be qualified and at liberty to marry. Hence, if some *impediment* to marriage existed at the time of promising, the engagement would be null, for no one can efficaciously promise that which cannot be given without sin. A *conditional* engagement, however, would be lawful if the existing impediment were one from which the Holy See had the power or the will to dispense, and if the reasons to be alleged for dispensation were likely to be deemed sufficient by the authorities. And the moment the dispensation was granted, the 'engagement' would there and then become absolutely binding, because the condition underlying the promises would then be fulfilled.[1]

N.B. New law for betrothal.

6. Thus far we have confined ourselves to the qualities needed for a real 'engagement,' considered purely as a human agreement or contract, and apart from Church requirements.

But the decree 'Ne Temere' of 1907, which only began to bind at Easter, 1908, demands besides that a betrothal, to be binding, must be carried out in a definite form. On this point the Holy See enacts: '*Only those betrothals are con-*

[1] See more on this head, p. 105.

sidered valid, and produce canonical effects, that have been contracted by means of a written document signed by both parties, and by either the parish priest (or the local Ordinary), or by two witnesses.' Moreover, 'In case one or both of the parties be unable to write, this fact is to be noted in the document, and an additional witness must sign it, together with the parish priest (or Ordinary) or two witnesses as mentioned above.'[1]

We see that the decree states not only that betrothals entered into privately, without the above forms, will lack 'canonical effects,' but also that they will be *considered invalid* by the Church.

Do *private* betrothals bind the conscience?

The important question arises as to the precise force of these two statements. Private betrothals will plainly be regarded by ecclesiastical law as void; but will they also be void in conscience, so that they may be disregarded by the parties without sin? In other words, are the two statements merely explanatory the one of the other, and do they only amount to this: that the Church will *treat* a betrothal effected without the prescribed ceremony *as if* it were invalid—*i.e.*, *as far as the incurring of ecclesiastical impediments to marriage is concerned*,[2] leaving the question of conscience and sin untouched? Or, on the other hand, may a *privately* betrothed person ignore the engagement without sinning?

An important point.

[1] In the case of *marriage* the parish priest (or Ordinary) *and* two witnesses are needed for validity.

[2] See 'Impediments,' pp. 154-208.

Commentators.

In his able and lucid commentary[1] upon the New Matrimonial Laws, Monsignor Charles J. Cronin, D.D., treats this question at length in an appendix, and declares his belief that *private* engagements create no obligation under sin. The same view is adopted by Rev. T. Slater, S.J., Professor of Moral Theology and Canon Law, St. Beuno's College, North Wales.[2] 'No engagement to marry,' he writes, 'will be valid, *or produce any obligation in conscience* . . . unless it has been entered into with the formalities prescribed by law.' Though no doubt this solution is open to argument, it nevertheless appears to be the correct one, and is here adopted by the present writer. In his opinion, therefore—for what it may be worth—no sin of injustice will be incurred before God by a breach of a *private* promise of marriage. It does not appear credible that the Church would, without qualification of any sort, declare her disregard of such a promise, if a grave obligation of conscience were attached to it. Further, if we consult the preamble of the decree 'Ne Temere,' we find that the purposes of the Holy See in insisting upon public and solemn betrothal is to *remedy the evils* which had been found to attend private and secret ones—express allusion being made to the danger of female virtue being betrayed under a secret promise of future

[1] 'New Matrimonial Legislation': Publishing Office of *Rome*, Palazzo Taverna, Rome, 1908.

[2] 'The New Marriage Laws': an article in *The Month*, April, 1908, p. 338.

matrimony. Once it is understood that such promises are of no conscientious effect unless publicly proclaimed in the form prescribed, girls will take them at their true value, and place no reliance upon them.

Now if, in spite of neglect of the formalities laid down, such promises bound the private conscience of the seducer, he could urge that fact in order to further his sinful designs.

Duty of reparation remains.

But this action of the new laws by no means deprives a wronged woman of the right to reparation if, through ignorance of the provisions of the said laws, she has been betrayed under a private promise of marriage. And if, according to the circumstances of the case, no other restitution prove sufficient except marriage, then the man will still be bound to make her an honest woman, not because his promise constituted a true betrothal in conscience, but because justice binds him to make due restitution for the injury caused by his fraud. Of course, once a law is promulgated, all persons affected by it are supposed, in theory, to know it; but an individual may not know it, and so be deceived into thinking that a private promise of marriage is valid, and in consequence, though sinfully, consent to dishonour.

As in marriage, so still more in betrothal.

Another argument is advanced by Monsignor Cronin to prove the invalidity in conscience of private engagements under the new laws. He urges that even in the far graver matter of marriage, it is defined by the Council of Trent that the Church has authority to fix 'diriments,' or

invalidating impediments. Now, by so doing, she renders of no effect in the sphere of conscience the natural consent of the contracting parties, if these should attempt matrimony without being dispensed. So, it is argued, still more can she, in the lesser matter of betrothal, deprive of all effect in conscience the consent given in engagements.

The argument criticized.

This argument, though at first sight conclusive, on further consideration would appear open to objection. Betrothal and marriage, though closely related, do not stand on the same level. Among Christians the natural contract of matrimony is at the same time of necessity a Sacrament, and there can be no doubt but that the Church is authorized to regulate the reception of Sacraments. Thus, in virtue of the *sacramental* aspect of marriage, she is able to control the validity of the natural contract. But betrothal is not a Sacrament: it is only a preliminary to one, and, moreover, it is not a *necessary* preliminary, a consideration which appears to weaken the inference that, if the Church has control over the *end* —*i.e.*, matrimony—she must have at least the same control over the means to it—*i.e.*, betrothal. Yet, whatever may be the value of this objection, there is, independently, sufficient ground for accepting the conclusion arrived at by the two commentators above quoted. The particular argument just criticized, if it does not by itself prove conclusively that the Church can invalidate consent given in private betrothals, at all events

shows that there is no natural difficulty in such a proceeding, any more than in the action of the State when invalidating certain deliberate acts of minors. The thing is in itself feasible, and now it seems clear, from the tenor of the decree 'Ne Temere,' that the Church has actually done it.

Private betrothals invalid even in conscience.

No engagements, therefore, except such as are effected in the solemn form laid down in the New Matrimonial Laws, either produce canonical effects and disabilities, or bind the conscience under sin.[1]

Binding Force of Betrothal.

It is here presupposed that the betrothal is a *real* one, and *solemnly entered upon*.

An obligation of justice.

When parties elect to be betrothed, they take upon themselves a grave obligation to be married as a matter of *justice*. Hence it would seem to follow that some penalty should attach to a withdrawal from the contract without the consent of *both* parties. Yet, in spite of the fact that English

[1] The mind of the Church in this matter is further seen from the following: When the South American Bishops sought, and obtained, from the Holy See an extension to their dioceses of the obligation of solemn espousals obtaining in Spain, and confirmed by Leo. XIII., January, 1900, discussion arose in South America as to whether *private* espousals were invalid only in the eye of the Canon Law, or were also invalid in the 'interior court' of conscience. To which Rome (Nov. 5, 1901) replied in the *affirmative*—that is to say, that they were invalid also in conscience—a reply which of its nature cannot well be true for one country and not for another. For fuller details see *The Month*, June, 1908, 'Flotsam and Jetsam.'

law awards damages for breach of promise to marry, even grave authorities who maintain that penalties ought to be inflicted admit that the opposite and more lenient view is tenable. Hence no such punishment can be strictly imposed upon the 'jilt.' In Catholic ecclesiastical courts it is usual not to press for the fulfilment of the promise, when greater evils might result, as they usually would in domestic life when one party revolts against the marriage, and to find, if possible, some other means of satisfying the 'jilted' party.

Naming the wedding day.

The limit of *time within which* the promise must be carried out will depend mainly upon the usages of the country. Given that a reasonable and customary period has elapsed, may the man 'lie low' and wait till his *fiancée* claims fulfilment? The answer will depend upon whether she is well able to signify her wish to be married forthwith, if she have it, or is tongue-tied through modesty or timidity. In this last supposition, which will not unfrequently be verified, the man is not justified in holding back, and should broach the subject.

Guilt of breach by infidelity.

Betrothal, quite apart from those commandments which forbid unchastity, makes criminal intercourse with a third party a special sin on the part of the betrothed offender, and of the accomplice, too, if acquainted with the betrothal. Whether such sinful irregularity be a *mortal* sin, *as a violation of a promise*, is a disputed point, even in a woman's case. Hence in (necessarily) confessing the *grievous* sin committed against chastity,

there is no obligation to tell the special circumstance of the betrothal.

Conditional Betrothals.

This seems a convenient place for a word about *conditional* promises of marriage—that is to say, when a couple mutually promise each other on the condition that something take place, or some hindrance be removed. Do such conditional promises bind?

How binding?

Speaking generally, they will be binding. Thus, the parties might be too young to marry at the time of espousals—a defect that time will cure—or else they may be financially unable to set up a home unless parents prove generous; or one of them may be bound by a *temporary* vow of chastity which will shortly expire. Again, the removal of an obstacle to marriage may depend upon the will of one of the parties, as when a girl promises a man marriage on the condition that he sign the pledge.

Exceptions.

Yet conditional promises of marriage will not always be binding, by which it is not meant only that the *fulfilment* is not binding till the condition comes off, but that even if it does come off, the promise *needs renewal* to be valid. This would occur when the impediment to marriage is one from which the Pope seldom or never dispenses, or when *sufficient reason* cannot be produced for a kind of dispensation that is commonly granted. In such a case, if the dispensation be given, the promise will need to be repeated, not necessarily

in express terms, but at least virtually, say by mutual consent to have the banns of marriage published. But even when the dispensation is not a difficult one to procure, or when the reasons alleged for dispensation be solid, it still remains doubtful whether a betrothal is there and then binding when made on the condition, 'Provided we succeed in getting dispensed.'

Celebration of Betrothal.

May be held anywhere.

This point has been already touched upon above under the *sixth* condition for valid 'engagement.' Here it need only be added that a betrothal may not only validly but *lawfully* be solemnized *anywhere*, and—if a parish priest be chosen by the parties to assist rather than two witnesses—before any parish priest within the territorial limits of his district.

Thus, John and Mary, spending a week-end at Blackpool, may finally make up their minds to unite their earthly destinies, and wish to become properly engaged before a priest without delay. They have only to present themselves at the presbytery of one of the Catholic churches and carry out the prescribed formalities.

Cancelling Betrothals.

When betrothals may be broken off. A. On both sides. 1. By mutual consent.

A. When is an 'engagement' annulled in the case of *both* parties to it?

1. It will cease by the *mutual consent* of both.

2. A betrothal lapses also when some absolute hindrance supervenes after its accomplishment, such as cannot be removed by procuring a dispensation from ecclesiastical authority: *e.g.*, if one of the pair goes mad, or becomes a Subdeacon (we do not mean that these two cases are similar!) or makes solemn profession of the religious state. Theological opinion is divided as to whether betrothal is *annulled* when one of the betrothed enters matrimony with a third party, or whether it simply be suspended for the time, and revive upon the death of that party, and claim fulfilment if the abandoned betrothed should still wish it. 2. Obstacle supervenes.

3. A *perpetual* vow of chastity, or a vow to take Sacred Orders, more probably dissolves an engagement. The reason is that in Church law espousals are always regarded as entered upon subject to the tacit condition—'Unless I choose a more perfect state of life'; in other words, an engagement to the creature gives way to an engagement with the Creator. The reader should recall here what has been previously said concerning *States of Life*.[1] It was explained that mere singleness of life in the world is not a *state* of life, seeing that it has no principle of *permanency* in it, and may at any time be changed for the married, ecclesiastical, or religious state. Consequently, the canonical proviso, 'Unless I choose a more perfect state,' will not justify Symphrosia, who chose to 'jilt' Cyrinus after a valid 'engagement' to him because, on second thoughts, she considers single blessedness 3. By taking a perpetual vow.

[1] See p. 44, etc.

without any perpetual vow to be spiritually more perfect.

4. By Papal dispensation.

4. The Pope, and he alone, has power to dispense from the obligation of betrothal *for a just cause*.

B. On one side, independently. (*a*) Culpably incurring impediment.

B. One party to a betrothal is justified in retiring from the Sacrament *without* the other's consent in certain contingencies: *e.g.*, (*a*) When the other party has *culpably* incurred a 'diriment' impediment to marriage—that is, one recognized by the Church as making the union *null* and *void*, and not merely sinful—that is to say, no marriage at all before God and in conscience. This may occur through the immorality of one party with a near relative of the other, by which the impediment of affinity would be incurred. It would not be incurred if the offence were extorted by violence.

Thus, too, if Cyrinus be betrothed to Symphrosia, a widow with a young family of her own, and he stand godfather at the baptism of one of the children, he contracts the 'diriment' impediment of *spiritual relationship*, and is thus rendered incapable of marriage with the child's mother, his betrothed. If he acted in ignorance of the impediment, or on asking about it was wrongly informed, the betrothal is not altogether quashed, but becomes a *conditional* one, subject to his obtaining a dispensation from the said impediment, unwittingly incurred.

(*b*) Forfeiture of reputation by crime.

(*b*) When one of the parties commits some great crime destroying his or her public reputation—*e.g.*, ordinarily, forsaking the Catholic

Faith.[1] This crime, however, introduces the 'hindering' impediment of 'mixed' religion, one which needs dispensation in order that marriage may be lawful.

(*c*) When either party violates faith to the other by immoral relations with a third party; or, short of this, frequently behaves in an immoral way. (*c*) Immorality.

(*d*) If either party becomes engaged to another; or refuses to go to the altar when the proper time has arrived; or, when no time has been fixed, puts off the day excessively; or if the man, without consulting his *fiancée*, take up residence in some other place, or go elsewhere for a long period without prospect of returning for a long time. Should doubt arise in the woman's mind as to the intentions of her betrothed in absenting himself, she ought to explore them by means of correspondence; or if that be for some reason impossible, she must wait awhile, according to the judgment of some wise and prudent person, or else submit her doubt to ecclesiastical authority. (*d*) Various causes.

(*e*) When some notable change in the person or circumstances of the other betrothed has supervened; or, if the change existed before, but was unknown, and affords good reason for fearing (*e*) Altered circumstances.

[1] This crime might not prove so detrimental to character in a non-Catholic country. But it is well to remember that wilful rejection of one iota of God's revelation—the sin of heresy—is a greater outrage against eternal truth and truthfulness than sins of immorality, though the latter may excite greater loathing for their grossness.

that the marriage would turn out unhappily, so that, had it been known previously, the party would never have become engaged. This change may be—

Moral deterioration.

(i.) In the *moral desirability* of one partner, owing to addiction to intemperance, association with loose characters, heavy gambling, and the like, which would supply just grounds for breaking off. As regards 'drink,' though it be bad enough in the man, it is fairly desperate in a woman, and supplies a most substantial reason for withdrawing. Again, if it became known that the *fiancée* had forfeited her virtue, whether deliberately or against her will, her moral worth would be very notably depreciated. Corresponding sin on the man's side—albeit in public estimation less heinous in the male sex—would justify the woman in breaking the engagement.

Physical deterioration.

(ii.) *Physical deterioration* in either party—*e.g.*, through the appearance of some grave disease—consumption, blindness, or of some notable mutilation or deformity, though this last, to form a ground for breach, would have to be more serious in the man than in the woman.

Money losses.

(iii.) *Loss of fortune.* For example, if the man become unable to work at his trade or profession, or has lost a great deal of money, or is found to be saddled with heavy debts.

Coming in for money.

But difficulty may arise from the precise contrary—viz., where a great difference in worldly status occurs after betrothal, through a large fortune having fallen to either party. Can the

fortunate one draw back on account of the supervening inequality?

Respectable authority can be quoted for answering this question affirmatively, although a preponderance of opinion stands on the other side. And it would appear that, strictly speaking, a person may break off on account of an *incomparably* better 'match' presenting itself, though such a course would naturally be regarded as very dishonourable.[1]

Parental objections.

(iv.) *Strong objections of parents.* A betrothal, once made, holds good in spite of parental objections; but their refusal to approve may sometimes form a just reason for cancelling it. More will be said about the lawful limits of parental authority in the matter of their children's marriages later on, when we come to 'impediments,' under matrimony. It is enough to say here that wherever the objections raised are right and just (that is, judging according to ethical principles, and not by the standard of vanity and worldly ambition), there will be reason enough for breaking the engagement; for if the parents are acting within their rights in refusing consent, it would be wrong to marry, and a promise to do that wrong does not bind, and should be recalled. Consequently, when such *just* objections are clearly to be anticipated, it is obviously imprudent and unkind to foster mutual affection to a degree that will lead inevitably to a declaration of love, or else to great unhappiness, or to both.

[1] We are not speaking of such trivial social inequalities as have been well described as '3d. looking down on 2½d.'

Publication of Banns.

Council of Trent and 'banns.'

The law of Trent about 'banns,' or the public announcement in church of an intended marriage, runs thus: '. . . In future, before marriage is contracted, announcement of the persons between whom marriage is to take place shall be made three times in church by the parish priest of the contracting parties, during Mass, on each of three successive festivals'—*i.e.*, one announcement on each festival.

Purpose of banns.

The object of banns is obvious—namely, that by circulating the knowledge of the projected union, opportunity may be afforded for the detection and revelation of any impediment that may exist, but which may not be known to the priest. In her solicitude for the sanctity of Holy Matrimony, and for the good of families, and hence of human society, the Church seeks by all possible means to save the risk of invalid marriages, or of unions which, for hidden reasons, might prove disastrous to one or other, or to both, of the contracting parties.

A grave duty.

Thence we may gather that the obligation to proclaim banns is a *grave* one, although the Bishop can dispense from it for sufficiently important reasons—for example, when serious inconveniences are feared from delaying the wedding, or from announcing it.

Episcopal dispensation from.

Bishops often depute to certain clergy of experience the power of giving dispensation from one, or from two, of the three publications required

by law, but not usually from all three. A total dispensation is reserved for cases of special urgency.

Custom has somewhat modified the selection of days upon which the proclamations may be made. In England and Scotland, at least, Sundays, as well as festivals, are available for the purpose. Days for proclaiming.

If one party be a non-Catholic, the banns are to be announced in the parish, or mission, in which he or she resides.

Should either of the couple be a new-comer into the district, the banns are to be proclaimed both in that district and in the place of previous residence, unless, according to local custom or legislation, the party's present residence have been long enough to render the double proclamation unnecessary. New parishioners.

Those who have no fixed residence, such as gipsies, tramps, etc., or any others who continually live a wandering life, must be dealt with according to the judgment of the Bishop of the place where they are at the time fixed for the marriage. Wanderers.

The warning which closes the announcement of marriage—'Wherefore if any one know of any cause or impediment . . . he is bound to make the same known to us without delay'—is no mere form, but a reminder to the congregation of the *grave duty* binding their consciences to make known to the parish priest any such 'cause or impediment' which stands in the way of the marriage. A Catholic owes this duty, not merely Obligation to reveal impediments.

to obedience, but to the sacredness of the Sacrament of Matrimony, and to charity also towards his neighbour, that the latter may be saved from sin, or from the evils that attend an invalid marriage, or from evils of some other kind.

Excusing causes.

There are, nevertheless, reasons which will exonerate an individual parishioner from the duty of manifesting an obstacle to the marriage of which he may be aware, *e.g.*, if he has good reason to fear some serious injury to himself or to others from speaking; if he has solid reason for thinking that revelation will effect no good; still more if he judge that it will prove detrimental to the couple themselves; or, again, if he prudently considers that grave scandal will be occasioned by his intervening in the matter.

Secret knowledge of impediments.

How is a man to act when he only knows of the obstacle *under secrecy?* In answer to this query, it must be noticed that there are *four* kinds of secrets.

Kinds of secret.

1. 'Natural.'

1. The *natural* secret, which binds a person who comes to know something which *of its own nature* requires to be concealed, on account of the serious inconveniences that would arise from its being known — *e.g.*, that a person was formerly a drunkard.

2. Promised secrecy.

2. The *promised* secret—*e.g.*, A desires to communicate something of importance to B, and before telling him it engages him to keep it secret. Of course, A might ask for secrecy *after* telling it, and if B *promised* he would be bound by a promised secret; but he would not be bound to promise, though, of course, the thing manifested might fall

under the *natural* secret. (We are supposing that A is not one of those curious people who go the round of their acquaintances, communicating something to each 'in strictest secrecy,' so that, in the end, all the world and his wife know it.)

3. The *confidential* secret—the strictest secret of all *natural* secrets—which binds those holding some office of trust—*e.g.*, a doctor, a lawyer, adviser, and—outside the Sacrament of Penance—the priest. It is to be observed that one cannot *make* a secret to be confidential merely by saying: 'I tell it you in confidence' if the circumstances do not make it such, any more than one can bring a secret told to a priest under the seal of Confession, when its nature and the circumstances attending its communication are not sacramental.[1] 3. Told 'in confidence.'

4. The seal of Confession, or *sacramental* secret. Now, it is certain that neither the purely *natural* nor the *promised* secret exempts a person from revealing a 'cause or impediment' hindering marriage. It is equally certain that knowledge of impediments acquired by a priest only in Confession, or by someone who accidentally (or purposely) overhears a Confession, can never be communicated to anyone for any cause whatever. The only doubt that can remain concerns the *confidential* secret. Although theologians differ as to the lawfulness of revealing an impediment known under confidential secrecy, no one can be *obliged* to make such a revelation, on the general ground of the immense importance, for the good 4. Confessional secret.

[1] See Second Series of Letters, Part I., p. 359.

of society, that persons of trust should be beyond all suspicion of betraying the weighty secrets of which they are so often the keepers. In some special contingencies, however, the confidential person might be able to avert an invalid marriage by privately appealing to the client who had confided the knowledge.

Examination of the Couple.

Examination not to be resented.

It would be most unreasonable for parties applying to a priest for the publication of their banns to resent, as interfering curiosity, the few questions which he may feel bound to put to them, in order to assure himself—as he is obliged to do—that they are contracting matrimony validly and lawfully. He has, in fact, no choice in the matter, being bound by the laws of the Church as much as the parties are themselves. His conscience is heavily charged with the responsibility of seeing that all the Sacraments—Matrimony included—are fittingly celebrated; and thus his duty endows him with the corresponding rights needed for duly acquitting himself of it. He is therefore fully entitled to inquire discreetly—if he sees necessity—as to the freedom of the parties from previous ties and from impediments, or (in the case chiefly of young people) as to the absence of any *compulsion* on the part of parents or guardians, or as to the consent of the latter to the marriage.

Individual duty to answer truly.

Each of the engaged pair is individually bound, under pain of grave sin, to reveal any known obstacle to marriage, except it be of a secret kind,

for which he or she has already obtained a dispensation privately—*e.g.*, through a Confessor. The need of sincerity in this matter will be plain, if we consider that to receive a Sacrament unlawfully or invalidly is a grievous profanation. No blessing of God can be expected to fall on a union begun in sin and sacrilege.

Should one of the pair belong to another parish or missionary district, a testimony to his or her freedom to marry will be needed from the parish priest of that parish or district.

No. VIII.

NATURE OF MARRIAGE.

Its immense importance.

MATRIMONY—as the derivation of the word (from 'mater') implies—is the immediate and earthly source of human life. It is the lawful means ordained by God for multiplying and preserving the human species. It is the basis and foundation-stone of family life. Even for these purely natural reasons, therefore, marriage is an institution of the very *highest importance* to mankind. But when we go farther, and consider it from the moral side, that importance becomes greatly enhanced. For upon the moral character of married life, upon the realization and fulfilment by parents of their duties as husbands and wives and as fathers and mothers, the well-being of their offspring will depend. Moreover, since human society as a whole is but the sum of family units, man's *social* well-being, in its higher and moral aspect, will be proportionate to the right ordering of matrimony. Those statesmen and sociologists who promote or advocate the loosening of nuptial ties by divorce laws of a more or less profligate type, and so open the drain-sluices of unbridled lust, are not merely laying profane hands upon the sacred ark of matrimony, but are the basest

enemies to their own kind. They are, in fact, hastening on human society to ruin and decay.

Strong attitude of the Church.

Small wonder, then, that the strong hand which the Catholic Church—and she alone—keeps over the institution of Christian marriage should now and then elicit grateful tributes even from the non-Catholic camp. For instance: 'I like the Catholic Church,' says Rev. H. Faville, Congregationalist minister of Wisconsin, U.S.A., 'because of the sanctity it puts upon the marriage tie. I see no permanent uplift for humanity except in connection with the home, and in civilized and Christian society the home begins with marriage. In most instances divorce ends the true home. In this nation [U.S.A.] we need the check which the Catholic Church puts upon divorce. Whether we regard marriage as a Sacrament or only as a civil contract, we should be grateful to an institution which makes of it a binding contract, a contract for better or worse. I consider the position of the Catholic Church in this respect one of the bulwarks of society.' True; but then, if marriage were only (or in any sense) a *civil* contract, the State, and not the Church, would have the right to control it.

Two aspects of marriage.

Marriage may be taken from two points of view: as a *natural* and lasting *contract* between male and female, or as the Christian *Sacrament* of Matrimony—such as marriage necessarily is when contracted by baptized persons. For by Baptism we are brought under the law of Christ and the jurisdiction of His Catholic Church.

1. As a human contract.

1. *The Natural Contract.*—It should be called a 'natural' contract rather than a 'civil' one, or one deriving its stability from the civil power of the State. For Adam and Eve were joined together in marriage by Almighty God long before any State existed. Of that first nuptials God declared: 'What God has joined together, let no man put asunder.' Matrimony, then, viewed even from its non-Christian aspect, is a sacred and divine thing expressly instituted by the Creator Himself for the continuance of His human creation. The *nature* of this contract is that, by it, man and woman mutually consent to deliver to each other a right over their persons for the end of child-bearing.

No human power can dissolve it.

No power can put them asunder except that same Divine Power which united them, or, in the case of non-Christian marriage, some authority invested with such power by Almighty God.

Ends of marriage.

The *ends* and objects of this contract are: *First* and foremost, the begetting, bearing, and bringing forth of children, though the actual realization of this purpose is not essential to a true marriage, provided that it be not thwarted purposely by unnatural wrongdoing. *Secondly*, the mutual help, comfort, and support of the couple themselves. *Thirdly*, to provide a lawful scope to the natural sensuality of man, but always in such fashion as not to hinder the first and primary purpose of marriage.

Intercourse not obligatory.

Under the Christian law, married persons may, whether from religious or other motives, lawfully

agree together to waive the actual exercise of their mutual rights of intercourse secured to them by the nuptial contract. But if they exercise them, this must be accomplished according to the ordinance of nature, and not so as to frustrate the natural end. They may not, without gravest sin, take the benefit of full marital gratification, while at the same time evading parental burdens. According to the old maxim, '*Qui sentit honores, sentiat et onera*'—'He who takes the honour must also take its burdens.' It must be one thing or the other. Neither considerations of health, poverty, or any others, will ever excuse the immoral middle course between these two alternatives: self-denial or else liability to increase of family.

Marriage of the heathen.

Unlike Christian marriage, the natural contract entered into by two unbaptized persons is not absolutely and in all cases incapable of dissolution, even after the marriage has been perfected, or consummated. This we learn from Divine revelation, as interpreted by the authority of the Catholic Church. Thus, Pope Innocent III. (A.D. 1198), explaining St. Paul's words (1 Cor. vii. 13-15), declares that if a pagan wife be converted to the faith and baptized, and her pagan husband, in consequence, refuses to live peaceably with her, without railing at Christianity or provoking her to sin, she may leave him, and lawfully contract a new and valid marriage with a Christian, and that on doing so the previous tie is severed. If, however, before departing, the hus-

band be also converted, then she is bound to remain with him. And the same, also, in the case of a heathen husband who becomes a Christian. This severing of a heathen marriage is often called the Pauline Privilege, after the Apostle.[1]

2. Marriage raised to a Sacrament.

2. *As a Sacrament.* So far marriage has been viewed on its natural side, as a human contract; but in the Christian Dispensation it is also, and simultaneously, the *Sacrament* of Matrimony. Christ, Our Lord, came to raise up and regenerate human society, as well as to redeem individual souls. It was natural, therefore, that His wisdom should go at once to the root of matters, and elevate and sanctify society in its fundamental unit, the human family, at its very base —namely, marriage.

So He made what was already sacred doubly so, not only by rendering it holy, but by making it sacramental, and the instrumental cause of married sanctity, the source of domestic holiness. He raised the natural contract to the dignity of a Sacrament, so that the very act of marrying has become, in the hands of the Redeemer, the means of furnishing bride and bridegroom with the graces needed for leading a holy married life together, and for fulfilling their responsible duties as parents. For Christians, then, marriage is all that has been said from the natural side, and, besides, it is one of those seven vessels containing the merits of Our Saviour's Precious Blood.

[1] See also p. 232.

No Sacrament, no marriage.

And these two aspects of Christian matrimony, though distinguishable in thought, are in practice absolutely inseparable. Whenever two baptized persons contract a valid marriage, they *necessarily* receive the Sacrament of Matrimony at the same time. To quote the weighty words of Leo XIII.: 'Christ added to marriage the dignity of a Sacrament; but marriage *is the contract itself*, provided it be duly made.'[1] Hence, if two baptized Protestants, who are free, duly marry one another, they inevitably receive the Sacrament, whether they know of its existence, or believe in it, or do not. What, however, if a Catholic, after obtaining the needful dispensation, marry an unbaptized Japanese or Jew? Of course, the unbaptized half is incapable of receiving any Sacrament whatever; but it is far more probable, though not certain, that the Catholic half does not receive the Sacrament either. This seems to follow from the oneness of marriage. As theologians argue, the Sacrament must take effect in *both* of the two who are being made by it morally one, or else not take effect at all. Yet it certainly cannot operate in the non-Christian half.

Definition of marriage.

The Sacrament of Matrimony, then, may be defined, in its making, as a contract whereby baptized male and female, not disqualified by any Church law, bind themselves for good to a united

[1] Encyclical *Arcanum*, February 10, 1880.

life, and to mutual bodily surrender for the purpose of begetting children.[1]

'Matter' and 'Form.'

The persons of the contracting parties are the 'remote matter' of the Sacrament. The 'proximate matter' is their *mutual surrender* of the 'remote matter' *outwardly expressed;* and the 'form' consists in the mutual *acceptance* or consent *externally manifested.*

Ministers of the Sacrament.

We see from the above that it is the bride and bridegroom themselves who put together both 'matter' and 'form.' Now, in all the other Sacraments whoever supplies these two essential components of a Sacrament is the true *minister* thereof. Hence in the present Sacrament the *true ministers of Matrimony* are the contracting parties themselves. The priest performing the rite—or, to speak technically, 'assisting at' the marriage—is not *the minister,* although, by ecclesiastical law, his attendance be essential for accomplishing a real marriage. This enables us to understand why, except for the veto of Holy Church, the marriage of a couple who plighted their troth mutually and for good in a drawing-room alone, or on a solitary walk, would be true man and wife in the sight of God. Yet the very idea of such hole-and-corner proceedings shows the necessity for Church legislation. The State,

[1] As already noticed, this must not be so understood as to make the actual *use* of the right acquired by the surrender essential to a true and valid marriage. We see the application in the case of Our Lady and St. Joseph and many other sainted couples who lived in chastity.

too, for analogous reasons, makes its laws, though without the right possessed by the Church.

For the same reasons, and *previous* to the New Matrimonial Enactments by Pope Pius X. in the decree 'Ne Temere' of August, 1907, the 'mixed' marriage of a Catholic with a non-Catholic contracted before the registrar only, or before a non-Catholic minister, was a true marriage in conscience, though grievously sinful and a sacrilegious reception of the Sacrament, owing to the disobedience and irregularity of the proceedings, always supposing that the Catholic was not excused by what Biddy called 'inconsaveable' ignorance.

Some definitions may here be of service. A marriage is called merely 'ratified' when the duly wedded pair have so far lived like brother and sister. A perfected or 'consummated' marriage, on the contrary, is one that has been followed by the lawful use of the matrimonial rights acquired by the contract. Some terms defined.

It is also useful to understand what is meant by a 'clandestine' marriage. Augustus and Angelina, a very young couple, despairing of obtaining parental consent to their union, motor off to some out-of-the-way place, manage to evade all questions as to the parental view of the matter, and, after fulfilling all ecclesiastical requirements, duly plight their troths in a Catholic church. That would be called popularly a run-away match, a secret marriage; but it is not a 'clandestine' one in the Catholic sense. The Church law 'Clandestine' marriage.

only views as 'clandestine' a marriage which has not been celebrated publicly *as regards the Church*; that is to say, any marriage celebrated without the priest and two witnesses. Under the new Matrimonial Decrees of Pius X., no 'clandestine' marriage makes the couple man and wife before God, in conscience, or before the Church.

Marriage 'of conscience.'

A marriage 'of conscience' is one which, for some grave reason, the Bishop allows to be effected quite secretly (with the priest and two trusty witnesses). For instance, where the parties are publicly regarded as lawful man and wife, but in whose marriage, nevertheless, some hidden defect has been discovered, rendering the union null and void. In such a case, a marriage celebrated in utmost secrecy would at once satisfy the conscience, legitimize marital intercourse, and protect the good name of the couple. Nor would the law of England stand in the way, since (as we are supposing) the outward forms required by it have been fulfilled.[1]

The Consent needed for Marriage.

The qualities requisite for the *consent* given by the contracting parties are as follows:

Consent to be true.

1. It must be *true*, and not feigned; that is to say, the exterior tokens of consent need to be animated by interior consent of the will. To withhold internal consent while outwardly signify-

[1] For the rectification of clandestine 'mixed' marriages, see below p. 213.

ing it would be a sacrilegious act, since it frustrates the Sacrament of marriage, and, of course, inflicts a very grave injustice on the sincere half.

2. *Mutual.* The consent must be given by each to each, for marriage is a bilateral contract purporting to bind both parties, and hence requiring the consent of both. Mutual.

3. *Free.* The freedom of consent may be impeded by violence or great fear instilled from without, which drives a person into marriage against his or her will. Thus, a timid girl who is *severely* bullied into a marriage which she does not want is not a free agent in a matter which specially demands freedom. Freedom, again, supposes knowledge of the nature of one's act. Hence, the insane, or those very far gone in liquor, are incapable of a valid consent. But freedom of consent is not destroyed by ignorance of details connected with the contract, provided the contracting party means to consent to the contract as generally understood and commonly entered into by other people. Thus, a girl whose innocence or ignorance prevents her knowing accurately the nature of a wife's duties, will still contract freely. She means to bind herself just as any other girl does under the same circumstances, and, besides, perhaps distinctly hopes in her heart to become a happy mother. Not forced.

4. *Outwardly signified.* Matrimony, like any other Sacrament, is an 'outward sign,' and hence needs some external and visible rite. But this does not mean that the consent must necessarily be Expressed outwardly.

expressed by those particular signs called words. It can, as far as validity goes, be expressed by an affirmative shake of the head, by the dumb alphabet, or in writing, though, except in the case of mutes, the Church in her ritual asks for a form of words. Yet no painfully shy bride need have a scruple afterwards if she doubts whether her answers to the priest were audible or not, or even duly articulate, for the whole ceremony otherwise abounds in external signs of consent to the union.

Conditional Consent.

Conditional consent to be avoided.

It is possible for persons marrying to give their consent subject to some condition—*e.g.*, 'provided that Aunt Jane has remembered us in her will.' This, however, is a most unsatisfactory way of contracting marriage, and, in fact, the Catholic Ritual directs the priest not to allow such a method knowingly. But, given that the consent be conditional, how precisely does it affect the contract? That will depend upon the nature of the condition. Several classes of conditions are conceivable.

Classes of conditions, past or present.

1. Conditions that regard the *past* or the *present*. *E.g.*, Mary, an emotional person, contracts marriage with John only on the express condition that it *was* he who saved her cat from being tortured by some street urchins—as John states. If it was Constable X4 who accomplished the rescue, John being ten miles away at the time, then John must know that he has not made

a wife of Mary by his wedding. Again, Paul gives his consent at his wedding with Virginia on the express condition that she has £300 a year—as she has repeatedly declared. If Virginia has exaggerated — say, by the two naughts — the marriage is void owing to the flaw in Paul's consent.

In the case of conditions like these, the marriage will be either valid at once, on the consent being given, or at once null and void, according as the condition of past or of present be truly verified at the time or not.

Difference between a condition and a supposition.

But here a caution is necessary. Such imaginary cases of invalidity must be carefully distinguished from those in which a party consents *unconditionally* and *without reserve* at the time of the wedding, but would not readily have accepted the match unless convinced that certain conditions were actually verified. Thus, Paul may have understood that Virginia's statement of income was correct, and may not have wished to marry a less rich woman. Yet he took her for his wife *without* condition of any kind, trusting that she had been truthful. That marriage is sound and good. But when he discovers the 'terminological inexactitude' of which he has been the victim, then may come the domestic racket; but he cannot disown the marriage.

Conditions concerning the future.

2. Conditions concerning *future* events. For instance: 'I, Susan Doe, take you, Timothy Roe,' etc., 'on the express condition that you receive the promotion and increased pay which you expect

next year.' No marriage is effected on the spot in such a case. When the promotion is actually granted (and even before the news reaches the couple), the marriage is there and then consolidated. But obviously the couple would have to live meanwhile as if they were unmarried, since till the promotion was granted they would have acquired no matrimonial rights over each other, and, until they knew of the grant, could not lawfully exercise them. The objectionableness of such a conditional plighting of troths is obvious.

Conditions repugnant to marriage.

3. Conditions *contrary to the institution of marriage*. The following would be a sample: 'I marry you until I find a better match, or unless we quarrel violently, or unless your relations make themselves odious.' Such conditions are at variance with the *perpetuity* essential to the nuptial union. If the consent be not given for good and all, 'till death do us part,' there will be no valid marriage. Thus, one may fear that in countries where legal divorces are constantly obtained upon trivial grounds, as in parts of the United States, this condition of affairs may so far influence the minds of brides and bridegrooms as to cause them to view marriage as a provisional arrangement, and to give their consent provisionally. If so given, it is invalid, and there is no marriage.

Immoral conditions destroying real marriage.

Or, again, if a man gives his consent on the express condition, 'if you frustrate maternity'—a very different condition to 'if you agree that we live as brother and sister.' We have another invalidating condition when a man marries on the

express condition that he shall continue his profligate life, as before. Again, if in a 'mixed' marriage the consent be given on the express condition that the children shall not be brought up Catholics, matrimony is null. In each one of these essential conditions something is stipulated which is contrary either to the *dignity of the Sacrament*, which excludes plurality of spouses, or is against *the good of the offspring*, or against *conjugal fidelity*.

Sinful intentions or understandings not conditions.

But in all such cases we must distinguish carefully between a real *condition*, introduced into the nuptial consent at the wedding, and a mere *understanding* or *sinful intention* which may accompany an absolute and unreserved consent for good and all. Indeed, an unlawful, express *agreement* may even be come to before marriage without destroying the latter, which, if introduced as an essential condition into the act of nuptial consent, would nullify the union.

Example from 'mixed' marriage.

Thus, to return to our illustration of the 'mixed' marriage, a Catholic woman, for example, may weakly and wickedly yield to the persuasions of her *fiancé*, and agree that the children of their marriage shall be brought up '*his* way' as regards religion, without this agreement being a real condition for marriage. The man, in seeking for this agreement may only be preparing his intended for what he will afterwards insist on as a husband. He means to marry the girl unreservedly, although he *also* means to have his own way with the children. Of course, we are here only considering

this example as an illustration of conditional consent. For the case is not really practical, since such a marriage as this would now be *invalid* for another reason—viz., that it would necessarily be a 'clandestine' one. It could not be celebrated by a Catholic parish priest, since no Catholic priest may bless a 'mixed' marriage for which *dispensation* has not been given; and no episcopal dispensation is given except on the condition that the Protestant agree to the Catholic education of *all* the children. But in the old days, when 'mixed' marriages were not uncommonly contracted on the principle (?) that the boys were to follow the father's faith and the girls the mother's, the above distinction would have been important for the validity of such unions.

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No. IX.

PROPERTIES OF CHRISTIAN MARRIAGE.

THE matrimonial contract between Christians possesses two chief properties or qualities:

1. Unity, as against plurality of wives or husbands.

2. Indissolubility, as against divorce from the nuptial bond.

Unity.—This quality is common to *all* marriage whether between the baptized or unbaptized. For it is contrary even to the *natural* law, as well as to the revealed law of God,[1] for a woman to have simultaneously more than one husband. This disorder is termed *polyandry* (plurality of *husbands*). Polygamy—*i.e.*, plurality of *wives*—though not so plainly opposed to *nature*, and, as we see in the Old Testament—sometimes permitted, or even, in some individual cases, commanded by God—is, speaking generally, unfavourable to domestic order and peace, and therefore to the good of the human family. Thus, a pagan with many so-called wives has in reality but one true wife, she who was the first object of his *permanent* choice. By the law of Christ polygamy is forbidden. One partner.

[1] 'They shall be *two* in one flesh (Gen. ii. 24).

Nuptial bond permanent.

Indissolubility.—This means that marriage, when once accomplished, cannot be dissolved; the nuptial tie cannot be broken asunder. Something will be said later on about the degree of indissolubility belonging to marriages of the unbaptized. To speak here only of Christian marriage, the bond can never be severed once sexual intercourse has 'consummated' and perfected the union, nor can either effect a new marriage as long as both parties are alive.

Divorce condemned by Christ.

The lawlessness of divorce—that ever-growing canker of modern society—has been already discussed at some length in Appendix III. of the First Series of 'Letters on Christian Doctrine.' Here it will be enough to summarize, and to say that the absolute agreement of at least five passages in the New Testament in condemning total divorce *for any cause whatever* (including adultery) necessitates a similar interpretation of the less plain passage, Matt. xix. 9, in which Our Lord appears at first sight to be allowing a single exception. The exception contained in the verse referred to relates, not to total, but to *partial* divorce, or 'putting away,' usually called separation. The innocence or guilt of one party has nothing to do with the question of *total* divorce.

Condemned by the true Church.

This, however, is viewing the indissolubility of marriage only from the scriptural standpoint. But for Catholics it is sufficient that the infallible authority of the Church declares total divorce from 'consummated' marriage *impossible in every case and under all circumstances.* The Council of

Trent, opposing the matrimonial irregularities encouraged by the teaching of the Protestant Reformation, defines as follows: 'If any one hold the Church to have erred in having taught, and in still teaching, that—according to evangelical and apostolic doctrine—the bond of marriage cannot be broken on account of the adultery of one of the parties; and that neither party, *not even the innocent one* who is guiltless of adultery, can, during the lifetime of the partner, contract a fresh marriage; and that the man who takes another wife, on dismissing the adulteress, commits adultery—as does also the wife who marries another man, after dismissing an adulterous husband: *let him be anathema.*'[1]

Anglican compromises.

In this doctrinal definition of the Church, we have an express condemnation of the view propounded more than once in our day by Anglican prelates, by which the privilege of total divorce and of freedom to marry again is attributed to the 'innocent' party.

Disastrous marriages.

One prelate, in a prominent Anglican see, not long since drew a sensationally harrowing picture of some young and innocent girl in her teens, driven by the worldliness of parents into marrying a 'rake,' from whom she was forced to separate in the very springtime of married life, with all her hopes of connubial bliss for ever blighted, etc. This sort of thing is surely a mischievous appeal from revelation to sentiment. That such sad and cruel disillusionments do occur, and that they

[1] De Matrimonio, Canon vii.

claim the sincere pity of all right-minded people, no one dreams of denying; but the ordinances of an All-wise and *All-foreseeing* God cannot be cast into the melting-pot and remoulded to suit 'the progress of modern thought'—as the cant phrase is. That is 'Modernism' pure and simple. Such nuptial disasters are indeed sad beyond words.

Worldly parents.

But utterly worldly views of marriage and worldly scheming on the part of mothers with marriageable daughters—not to say on the part of the 'marriageables' themselves—are too often the causes to which such life-disasters should be attributed. It is not the Gospel of the World's Regenerator, with its veto upon divorce, that is really at fault. The fault lies with those whose gravest choices in life are guided by the three concupiscences of man's fallen nature—the concupiscence of the flesh, of the eyes, and the pride of life, and not by the law of the eight beatitudes. If a person's one aim in life be to get married—well if possible, but anyhow married—or merely to escape from parental control, to acquire greater freedom of locomotion and companionship, to secure a smartly appointed house, abundance of pin-money, or an *entrée* into fashionable circles—if these, and such as these, be the objects put foremost, then obviously the right and careful choice of a perpetual partner in life will become a point of secondary importance; and people will only have themselves to thank when the domestic crash comes to dispel the ambitious dream of a purely worldly 'success.'

Worldly girls.

Just as mothers are to be met with in whose eyes the 'getting off' of daughters at all costs seems to be the one end for which God created them, so are there young women who regard marriage as the one divinely-assigned purpose of life. *Faute de mieux*, certain girls will marry a very broomstick, provided it has a coronet on the top, where a head should be, or is wrapped round with abundant 'packing' in the form of bank-notes. What wonder that such people have to repent at leisure of their frivolous choice, and when the broomstick turns upon them and becomes a rod of lifelong chastisement!

Forbiddance of divorce necessary.

The catastrophe is certainly to be deplored, and in such a case, humanly speaking, the law of indissolubility presses hardly on the individual. Yet, apart from higher considerations based on Catholic teaching, and in spite of accidental hardship in particular cases, the forbiddance of total divorce—which, to be effective, must be inexorable—upon the whole makes for the wider good of society. To be convinced of this, one has only to notice the hideous domestic chaos increasingly witnessed nowadays in lands where legal divorce is obtainable upon numerous and frivolous pretexts.

Difference between divorce and separation.

It is of *total* divorce—divorce from the *bond* of marriage—that we have been speaking. There are causes, however, which even in the eyes of the Catholic Church, justify 'separation' (*a thoro, vel cohabitatione*), the nuptial bond itself remaining the while absolutely untouched.

Civil divorce of no effect.

The State has no power in *spiritual* affairs. These are 'the things that are God's,' as Our Saviour declared, and not 'the things that are Cæsar's.' A divorce, therefore, pronounced by a civil court is of no effect whatever in conscience. The words of St. Chrysostom apply here: 'Do not quote to me from other sources laws that have been passed providing that a bill of divorce shall be given, and the parties separated. For God will judge you, not by these, but those which He has made Himself.'[1] Hence, in the eyes of every well-instructed Catholic, a civilly-divorced Christian—whether Catholic or not—who has married again, is living in carnal sin.

Matrimonial causes reserved to the Church.

For, as already stated, Matrimony is not merely sacred as a primitive institution of God which 'no man' may 'put asunder,' but, under the Christian law, is a Sacrament besides. And the rulers of the Church still warn the world, with St. Paul, that *they* are 'the dispensers of the mysteries of God.'[2] Consequently, matrimonial causes properly belong to the tribunals of the Church, not to those of Cæsar.[3] The Church, however, may leave the State to legislate concerning the temporal aspects of marriage—*i.e.*, as to

[1] Homily on Cor. vii. 39: *De libello repudii.*

[2] 1 Cor. iv. 1; 2 Cor. vi. 4.

[3] So the Council of Trent defines Sess. XXV., Canon xii., and in the sense that *all* such causes belong *exclusively* to the Church. See a brief of Pius VI. Even so hostile a witness as Paolo Sarpi admits that this was the meaning of Trent.

settlements, inheritance, or the like. But in all questions of divorce—partial or total—it is sinful for Catholics to appeal to the civil courts, except *solely* for safeguarding their own, or their children's, moral or temporal interests—when some grave cause renders the appeal necessary. Even then ecclesiastical authorities should be previously consulted, and moreover—to prevent scandal—the motive of the application should be made clear to all, in order to prevent any appearance of admitting the State's right over a Sacrament.

No. X.

CELEBRATION OF MARRIAGE.

The new Marriage Code of Pius X.

In dealing with this part of our subject we have now to take into account the New Matrimonial Legislation, contained in the decree 'Ne Temere,' issued by the authority of Pius X., August 2, 1907, and which came into force throughout the Catholic world on Easter Sunday, April 19, 1908.[1]

Its advantages.

This new matrimonial code has come as a godsend to simplify matrimonial matters, and to establish as far as possible one law for every Catholic entering upon the married state. I say 'as far as possible.' Yet there is absolutely only one local exception, granted to Germany, and applying to mixed marriages alone—namely, that which had already been recently granted by Pius X. himself in his 'Provida,' out of regard for very special circumstances prevailing in that Empire, and arising from its division into many petty States. The exception, however, applies only to *natives*, who, moreover, contract marriage *in Germany*.

Applies to all Catholics.

Putting this single exception on one side as not concerning my English-speaking readers, the new laws, regulating (1) *espousals* (engagements to marry), and (2) *marriage*, apply to every Catholic throughout the world. The Holy See has expressly declared that non-Catholics, whether baptized (and therefore, by rights, subject to the

[1] For text of, see Appendix IV.

True Church), or unbaptized, are not bound to observe the forms of betrothal or of marriage laid down in the decree aforesaid.

Lapsed Catholics included.

It is to be noticed that under the term 'Catholics' the decree includes all who were originally baptized in the Catholic Church, as well as those who have been converted to the Catholic Faith—whether they have persevered in the same or have unfortunately abandoned it.

An useless evasion.

So that, in the case of a 'mixed' marriage, it would be futile for a faithless Catholic to seek to evade the law by previously conforming to the faith of the non-Catholic intended.

Difference between 'valid' and 'lawful.'

We must observe that a marriage may be *validly* celebrated—*i.e.*, be a *true marriage* in conscience, before God, and in the eyes of His Church—and yet be celebrated in an unlawful or sinful way, owing to the neglect of some circumstance demanded by the laws of the Church, which defect, however, does not hinder the nuptial knot being effectually tied. A marriage in which *all* the prescribed conditions are observed is called both *valid* and *licit*.

We will first consider:

1. Conditions for a 'valid,' or true, marriage.

N.B.—Conditions for a valid marriage.

Whether a Catholic marry another Catholic or a *non-Catholic* ('mixed' marriage), the marriage *must be celebrated before the proper Catholic parish priest and two witnesses*. In other words, the marriage must be contracted 'in presence of the Church.' Marriage not so contracted is called 'clandestine,' or secret, and, under the New Matrimonial Laws, all clandestine marriages are,

in conscience and before God, *null* and *void*—*i.e.*, are no marriages at all. The parties would live together in sin.

How can Church law frustrate consent?

The difficulty may occur: 'How is it possible for a law of the Church to prevent two parties giving their nuptial consent? And yet, is not the giving of that consent mutually the very essence of marriage? If, then, it be given, how can the Church prevent its taking effect in a true matrimonial union?

Answer.

The answer is this. Of course, neither the Church nor any other authority can stop the free action of the parties' wills, considered *physically*. But matrimony of the baptized is no *mere* human contract; it is a Sacrament of Christ, and, as such, falls exclusively under the ministry of the Church of Christ. The Church, therefore, has the same right from her Founder to determine the conditions of a valid *sacramental* contract that the State has to decide the conditions for a valid *civil* contract—for example, a commercial one. When, therefore, the Church, by her laws, renders a certain way of marrying invalid, she does not act upon the physical consent of the parties directly, but, in virtue of her control over the sacramental contract, makes that consent, in spite of its *physical* completeness, useless for the purposes of the Sacrament. Since, between the baptized, marriage is *necessarily* a Sacrament or nothing, such consent effects no nuptial contract either.

Similar action of the State.

In a similar way, the law of the land renders a will executed by one under age ineffective for the

purposes of a testamentary disposition, however freely and deliberately executed.

This explanation of the way in which canonical enactments make nuptial consent null and void, applies equally to all 'impediments' which prevent a true marriage—'diriment' impediments, as they are called.

Council of Trent and 'clandestinity.'

The marriage of a Catholic, therefore, must, *under pain of nullity*, be performed before the proper parish priest. This is no new law. The Council of Trent enacted the same thing; but, owing to religious changes occurring in human society, the decree against 'clandestine marriages' has not been universally enforced.

In many countries—even in portions of the same country—the decree in question was never promulgated, an exceptional state of things which, in course of time, produced much confusion and a variety of complications. Hence the new Marriage Laws of Pius X.

Who is the parish priest?

Since marriage has, for validity, to be blessed by the parish priest, the main point to settle is: Who is a person's own parish priest for the purposes of a wedding?

A question of territory.

This point is determined *territorially*. The Bishop within the limits of his diocese, the parish priest, or his assistant priests, if they have *full* parochial faculties (and not merely faculties to administer some of the Sacraments), are 'parish priests' within the meaning of the new laws, and all these can *validly* bless, or 'assist at,' the marriages of all comers within their own territory or parish.

English equivalent to 'parish priest.'

Of course, in England, as being a missionary country,[1] there are no 'parishes,' properly so-called, and hence no 'parish priests' in the canonical sense. We have 'missions' in place of 'parish churches.' But for the purposes of the new laws this makes no difference. The head priest, or his *fully*-commissioned assistants, have the powers and privileges of parish priests in the present matter, although, in dealing with marriages, the assistants have to act in subjection to their head, as right order demands, and some of the English Bishops have already notified. So that, as far as clandestinity is concerned, there can be no doubt as to the *validity*, at all events, of any marriage which has been blessed by a parish priest (or his missionary equivalent) within the limits of the district assigned to him. Moreover, a parish priest has power to depute any priest *whatsoever* to take his place at the wedding ceremony within his parochial territory.

Misconception.

Hence, that secular journalist was saying more than his prayers who informed us (in the *Daily Mail*, April, 1908) that one of the effects of the new laws was to hinder the holding of fashionable

[1] Since this was penned, the Holy See, in an Apostolic Constitution of June 29, 1908, has inaugurated wide reforms in the Roman Congregations and ecclesiastical courts, and, amongst other changes, has removed England and some other countries from the control of Propaganda, as regards transaction of business. This deprives England of the fuller missionary character it still retained under the re-established episcopal hierarchy. But, so far, the canonical status enjoyed by parishes and parish priests previous to the Reformation has not been restored.

marriages in town by those who had country residences. As a matter of fact, it is, if anything, easier now than before for intending couples to be married where, and by whom, they prefer, provided that the necessary steps be taken, which are quite simple.

The main point to notice in the above is that the question as to who is the parish priest must be determined by *territory*—in the case of a Bishop by the limits of his diocese, and in the case of the priest by his district or parish. It is not determined by the place in which a party, or the parties to a marriage have their *residence*. For a parish priest in any other part of the kingdom can *validly* celebrate the marriage if the parties present themselves *within his territory* (district or parish).

So far for *valid* marriage.

Conditions for lawfulness.

2. *For Lawfulness.*—But for *lawfulness* certain conditions are required, in order that a person from one parochial territory may be married before the priest of some other parish or district (and, of course, only within its limits).

When the party belongs to another parish.

If the person about to marry leave the parish in which he has his home, and actually dwell for one calendar month[1] in another parish, the parish priest of that other parish becomes, at the end of the period named, *his* parish priest for marriage, and can *lawfully*, as well as validly, bless the union without any permission of the parish priest of the party's home. He acts in his own perfect right. Here we have a change from previous practice, which removes the harassing perplexities

[1] *E.g.*, January 1 to February 1, or February 6 to March 6.

of the old 'quasi-domicilium,' for which priests chiefly will be grateful to the Holy See. The residence for one month must, however, be *genuine*. The mere taking of apartments and sleeping in them occasionally will not suffice.

When the party has not qualified as parishioner.

But what if A. B. has *not* resided for a month in the parochial territory where the wedding is to take place?

Even so, as far as mere *validity* goes, the parish priest of the place of wedding can marry him, although the other half belong to a different parish, and have *not* dwelt for a month in the place of wedding either. But no priest could *lawfully* bless the marriage under these circumstances. What, then, is needed for *lawfulness* here?

Two different cases must be considered under this question.

1. When neither party is a parishioner.

1. Where *both* parties belong to another parish, and have failed to qualify as parishioners of the place of the wedding by a month's residence in it. In this case the parish priest of the place of the wedding can *lawfully* assist at the marriage, on condition that he has the *permission* of the parish priest of the *residence* of *one* party. Of course, he will also need to assure himself as to the freedom of *both* to marry, and of the due publication of their banns (or of the fact that these have been dispensed by their Bishop).

2. When *one* only is a parishioner.

2. Where only *one* of the parties is resident (or has qualified as a parishioner by a calendar month's residence) in the parish where the wedding is to be performed. In this case the fact that one party is a parishioner entitles the local parish

priest to assist at the marriage *without* obtaining leave from the priest of the non-parishioner; but, as in the previous case, he must be assured of that non-parishioner's freedom to marry, and of the due publication of banns in his or her parish.

When, however, the contracting parties are of *different* parishes, the Holy See ordains that—saving some good reason to the contrary—the ceremony shall be performed by the *bride's* parish priest—*i.e.*, in his own parish. This is obviously a point of due Christian courtesy towards the bride, and has very commonly been observed in the past; but now it is put forward as the rule for all cases, unless some good reason for a different arrangement be forthcoming.

A rule of courtesy.

To make all the above points plainer, let us take some concrete examples.

Concrete examples.

1. *The Simplest Case.*—John and Mary, both residing in the mission of St. Peter's, Silchester, are about to be married in that town. Their parish priest for purposes of the wedding is the head priest of St. Peter's, or one of his fully commissioned assistant priests, if he have any. But he can delegate the function of blessing the marriage validly to any priest he chooses, or that the couple wish to invite.

2. *Different Parishes.*—James, belonging to the mission of the Holy Name, Manchester, is about to marry Margaret, belonging to the Church of the Sacred Heart, Bournemouth. In the ordinary course, the wedding should take place at the Sacred Heart, Bournemouth, the parish of the

bride. James need not go to live in Bournemouth previous to the marriage, in order to be licitly and validly married by the parish priest at the Sacred Heart. If, however, he were unable to obtain long enough leave of absence from his employers so as to have time to go to Bournemouth and back, the marriage could be lawfully celebrated at the Holy Name, and in that case Margaret would not need to go to reside any time in that parish previous to the wedding. In either case, the parish priest would need to have proof that the new-comer was free to marry, and had had his or her banns duly published in his or her parish. Should the couple wish to have some priest-friend from a distance to perform the ceremony, the parish priest of the place where the wedding is to take place can *depute* the priest-visitor to assist at the ceremony validly. If the visitor were not so deputed, the marriage would be *null*, not only *unlawful*, or *sinful*.

Complications.

3. *A more Complicated Case.*—Richard, an architect's clerk, residing at Newcastle-on-Tyne, is about to marry Bridget, an Irish girl, who resides as a family governess at Cardiff. Richard is enamoured, not only of his *fiancée*, but of Byzantine architecture as well, and is therefore anxious to be married at the Westminster Cathedral, in order to have a chance of studying its features. Bridget, on the other hand, has a good reason for not wishing to be married in Cardiff, since a rejected suitor there threatens to make things disagreeable for her on the wedding-day. Moreover, she insists on having a former parish priest of hers in Ireland

over, to bless her marriage at Westminster. Neither Richard nor Bridget can manage to reside in the district of Westminster Cathedral for a calendar month previous to the wedding-day, and so qualify as a parishioner there, being prevented by their respective employments. Can their plans be carried out in all points—that is to say, as far as *Church* requirements go?

They can, but the following must be done. As far as *valid* marriage at Westminster is concerned, all they need do is to present themselves any day to the parish priest there. But, for *lawfulness*, since the parties cannot qualify by a month's residence, the said parish priest needs the *leave* of the parish priest, either of Bridget at Cardiff *or* of Richard at Newcastle. We see here the difference between this *leave* and the deputation, or *delegation*, that will have to be granted by the Westminster parish priest to the Irish priest-friend of Bridget, in order that he may preside at the marriage. For, this *delegation* is necessary to make the marriage a real and valid one; whereas the *leave* from Cardiff or from Newcastle is only needed for *lawfulness*—but it is needed. Of course, the Westminster priest will require evidence of the *freedom* of the parties to contract, and of the banns having been proclaimed in their home parishes; and he must also be asked to *depute* the Irish priest for blessing the marriage. For neither the Cardiff nor the Newcastle priest has power to depute another to do what he cannot do himself—namely, assist at a marriage validly outside his own parochial

territory. Of course, there would be nothing to prevent the Cardiff priest being deputed by the Westminster 'parochus' to perform the ceremony instead of the Irish parish priest, if, for example, the parish duties of the latter obliged him to decline the privilege offered him by Bridget.

Two special cases.

The Papal legislation, however, allows for all the world two exceptions to the rule that all marriages must be celebrated by the parish priest.

A marriage for conscience.

1. *In danger of death*, when neither the Bishop of the diocese, nor the parish priest of the place, nor any priest deputed by either of these, is to be had. In such circumstances, *any priest whatever* can validly join the couple. This provision obviously meets the emergency when an illicit union has to be rectified in haste before death, for conscience sake.

Waiting to get married.

2. *In lack of a priest.* If it happen—*e.g.*, in some out-of-the-way part of the globe—that a couple are waiting to get married, and neither Bishop, nor parish priest, nor a deputy of either, can be had *for the space of one month*, then marriage may be validly and lawfully contracted *in the presence of two witnesses*, and without a priest.[1] In such a case, it is the joint duty of the witnesses to see that the marriage be registered afterwards in the proper ecclesiastical quarter.

The above are the main points in the New Matrimonial Legislation of 1908, which concern my lay readers, though there are several other matters of importance to priests, which are discussed in set commentaries on the 'Ne Temere.'

[1] A further proof that the priest is not the *minister* of Matrimony.

No. XI.

SOME IMPEDIMENTS TO MARRIAGE.

I. 'HINDERING' IMPEDIMENTS, INCLUDING 'MIXED' MARRIAGES. II. 'DIRIMENT' IMPEDIMENTS.

What is an 'impediment'?

AN impediment to marriage means an obstacle preventing marriage, either rendering it sinful (though real and valid), or making it also *null and void*.

Right of the Church to make impediments.

When we said, further back, that the State had *no* power to effect divorce between Christian man and wife, we gave as a reason that Matrimony, being essentially a Sacrament as well as a human contract, the Church alone had a right to deal with it. Now, the exclusive claim of the Catholic Church to decide what is required for a valid or lawful matrimonial contract rests on precisely the same foundation. As the divinely commissioned dispenser of the Sacraments, it belongs to her to say on what conditions a Sacrament may or may not be duly received.

The State and non-Christian marriages.

The case is somewhat different with marriages of the unbaptized, or pagans. With them marriage, though endowed by God with certain properties, is in the main a merely human contract. As such, it falls so far under the

authority of the State that the latter is competent to prescribe conditions and formalities for its celebration, provided that these do not infringe upon the natural law. But this power possessed by the State does not extend to *divorcing* an unbaptized couple from the bond of marriage once marriage has been duly and legally contracted.

Definition of Trent.

The Council of Trent[1] has condemned as contrary to the Catholic Faith the assertion (of the Protestant Reformers) that the Church has no power to establish dissolving ('diriment') impediments to marriage, and has erred in establishing the same.' Hence Catholics are bound in conscience to hold that, in exercising this very power, the Church is using a rightful authority, without error.

Knowledge not needed for incurring impediments.

It is not necessary, in order to labour under an impediment, that a Catholic should *know of its existence* in Church law, or of its being verified in his own individual case. For most 'impediments' imply no guilt at all in the person affected by them, and hence are not ordained as *punishments*—*e.g.*, blood relationship, spiritual relationship. Even in the case of an impediment which is meant *partly* as a penalty, there are other independent reasons for its appointment.

Ignorance only excuses from guilt of sin.

The only effect of ignorance when a marriage has been celebrated under an impediment is to excuse the person from conscious sin in so marrying, and in living afterwards as if married, while still in ignorance.

[1] Sess. XXIV., Canon iv. Denzinger, No. 850.

The union remains unlawful, although the parties do not know it, until the defect be discovered and rectified, if rectification be possible.

When impediments are doubtful.

Is a marriage valid when the destructive or 'diriment' impediment is *doubtful?* This will depend upon the *nature of the suspected impediment*, and also upon the *character of the doubt*.

When the alleged impediment is based on the *divine* or upon the *natural* law, marriage while in such doubt would be unlawful. For as the Church has no power to dispense in either case, she could not supply the defect if it existed. Should the impediment be merely the result of *Church legislation*, then the answer to our question turns upon the character of the doubt. If the doubt concern the *interpretation* of the impeding law, the Church is supposed by long-standing custom to supply any defect that may exist, and the marriage would be *valid* in spite of this uncertainty.

Classes of impediments.

To come now to impediments in detail. Those impediments which make marriage *sinful*, but not *null*, are called 'hindering' impediments, while those which, besides, render the marriage *void* are called 'diriment'—*i.e.*, destructive, dissolving impediments, preventing any real matrimonial union in conscience and before God.

Illustrations.

Thus, for example: John has been betrothed in proper form to Mary. Then, without just cause for breaking the engagement, he marries another girl, Barbara (not a *relative* of Mary, as we here suppose). That marriage is sinful, because 'previous betrothal' to another is a 'hindering' im-

pediment. Yet John and Barbara become true man and wife nevertheless.

But now let us imagine that John, after breaking off unjustly, married instead Clara, a *sister* of Mary. Such a marriage would be no real union at all in conscience, because John laboured under the 'diriment' impediment of 'Public Decency,' caused by betrothal with a near *relative*, which renders the marriage *null* unless the Church dispense.

A technical uncertainty.

Theological authorities differ somewhat in their *lists* of 'hindering' impediments, though they are agreed as to all the causes which render marriages sinful. So the dispute is purely an academic one—namely, as to what unlawfulnesses are technically to be called 'hindering impediments,' a point that has little bearing upon practical conduct.

For our present purpose let us take those 'hindering' impediments which are more commonly set down as such.

I. 'Hindering' Impediments.

'Hindering' impediments.

1. Forbiddance of the Church. 2. Closed seasons. 3. Vows. 4. Refusal of parents. 5. Betrothal (in the form prescribed in the decree of Pius X. 'Ne Temere'). 6. 'Mixed' marriage.

A few words about these in order.

1. Forbiddance of the Church.

1. The Church may for some legitimate cause *forbid a marriage* between certain persons; but in practice such special vetoes are almost unknown. The phrase 'Church forbiddance,' there-

fore, is not really a *separate impediment*, but rather a general heading under which to include the other impediments above enumerated. Let us, therefore, pass to their consideration.

2. 'Forbidden times.'

2. *Closed Seasons.*—It is forbidden to 'solemnize' marriage (but not forbidden to *marry*) at certain ecclesiastical seasons—viz., from the first Sunday in Advent until after the Epiphany (January 6), and from Ash Wednesday (first day of Lent) till after Low Sunday (the one following Easter Sunday). At such closed seasons the special nuptial blessing of the *bride* individually must be omitted, as also all notable signs of outward pomp and festivity.[1]

3. Vows.

3. Certain *promises of greater spiritual perfection* made to God, called *Vows*, render marriage *sinful*.[2] For instance, a vow of chastity, of virginity, of celibacy, a vow to enter the religious state, or a vow to take Sacred (or Major) Orders.

It is plain that every one of these vows—if for the moment we except the first one named—is incompatible with marriage. As regards the vow of chastity, it is absolutely compatible with valid marriage, as we see in the case of Our Lady and St. Joseph and of other Saints. But on account of the dangers to which such a vow would be exposed in matrimony, it is, speaking generally, a hindrance to *lawful* marriage; and, of course, if the vow were concealed from the other party previous to the marriage, a grave injustice would

[1] See First Series of 'Letters,' p. 365.

[2] For vows making marriage *invalid*, see p. 188.

be committed by the party under vow in marrying.[1]

Seeking dispensation.

When cause is deemed to exist for seeking dispensation from *Vows* impeding marriage, application should be made either to the Bishop or through a Confessor. And if the marriage happen to have been unlawfully contracted by a person under a vow of *chastity* or of *virginity*, dispensation or commutation (exchange) should be sought for *at the very earliest opportunity*, in order to put an end to the danger of sin.

Duty till dispensation.

Until the dispensation (or commutation) has been granted, the party under either of the two said vows is debarred from claiming or procuring matrimonial rights, though after two months have elapsed since the marriage he or she is not forbidden to yield them to the party not under vow, upon demand, unless that party has forfeited the right by misconduct. This rule also holds good in the case of a vow of *virginity*, with this difference, that, once matrimonial rights have been exercised, rightly or wrongly, the vow dies a natural death, and ceases to bind. Still more, if the vow has been one of *celibacy* in the strict sense—*i.e.*, merely a vow 'not to marry'—the vow perishes once the sin of contracting marriage under the circumstances has been committed. It ceases because it has been sinfully broken beyond repair.

[1] The differences between the vows of chastity, virginity, and celibacy are dealt with in First Series of 'Letters,' pp. 408-411.

A person under *vow to enter the religious state*, who nevertheless marries, is still bound as far as lies with him (or her) to remain chaste and to fulfil the vow. But once the husband has claimed his matrimonial rights, and the marriage has been thus consolidated, the vow is suspended. But the duty of entering religion will revive should the person recover freedom both from married life and from obligations or grave obstacles, rendering the fulfilment of the vow practically impossible, which have arisen from the marriage. A man who sinfully marries while under a vow to take Sacred Orders (*i.e.*, the *subdiaconate* at least) is no longer bound to fulfil his pledge, because this has become impossible. Nevertheless, if he afterwards regain his liberty, he must do what is in him to carry out his vow.

Vow to become a religious.

4. *Refusal of Parents*—that is to say, when parents refuse their consent to a marriage contemplated by one of their children. This subject is a somewhat important one, on account of erroneous notions that exist.

4. Parental objections.

It is not any sort of refusal on the part of parents that renders the marriages of their offspring unlawful. Their objection must be a *just* and *reasonable* one.

First of all, no parent has any authority at all to forbid marriage generally to a daughter or son, however much it may seem to their interest to do this. In the same way, under ordinary circumstances, no father or mother has any right

Limit of parental right.

from God to prevent children becoming priests, monks, or nuns.

Reason for limitation.

In a matter so vital to human beings as the choice of their way of life, sons and daughters have *a strict natural right to perfect freedom* in the selection of their state. To exert pressure upon them or to thwart their choice is sinful. Just as a parent acts wrongly in forcing a son or—what would often be easier—a daughter, to marry one whom she did not wish to marry, so is it wrong to force her to marry if she prefers not to do so. The authority of parents is not absolute and unlimited; it is restricted by the natural, Divine, and ecclesiastical law. As all three laws represent the Divine Will, it is evident that God cannot have given parents the right to go against them in the treatment of children. Hence the principle 'God wills children to obey their parents,' or 'Honour thy father and mother' is, as we saw under the Fourth Commandment,[1] subject to limitation. Filial 'honour' or respect is always due to parents; but filial *obedience* is not always—*e.g.*, when parents violate a natural right of their child, or when what they command or forbid is not consistent with obedience to God, upon whom parents depend for their authority. As Our Lord said: 'He that loveth father or mother more than Me, the same is not worthy of Me.' This only means that the Creator comes before His creature, even when that creature is a parent.

Forcing a 'mixed' marriage.

Obviously, too, it is unlawful for parents to

[1] First Series of 'Letters,' p. 190.

press for marriage with a non-Catholic, on account of the match being socially or financially preferable, instead of with a Catholic of smaller means and of *somewhat* lower position, but otherwise unexceptionable—that would usually be to prefer this world to their Faith and that of their descendants. But such disorder is not confined to parents. It is noticeable how Catholic young men seem nowadays so often to prefer to cultivate non-Catholic girls instead of Catholic ones. They may sometimes very reasonably plead in excuse that the latter are, as a body, too poor. They may also allege, with some reason, that Catholic hostesses, who could well manage it, make no effort to bring young Catholic people together. But these things do not appear to supply an adequate explanation. At times it is difficult not to fear that the stricter principles of conduct in which the Catholic Church trains her daughters may have something to do with their lacking equal favour in the eyes of some Catholic young men, shortsighted as such an attitude on their part certainly is.

But let us suppose that the objections of parents are not against their children marrying, but against a son or daughter marrying a particular person. It has already been seen that such objections, in order to be valid, must be *just* and *reasonable*. But whether reasonable or unreasonable, they cannot affect the validity of the marriage, nor of themselves justify separation.

Just objections or commands.

The following are samples of righteous parental refusal: When a daughter wants to marry a vicious

man (which is not the same thing as an ugly one!), a drunkard, and doubtfully corrigible. And, by the way, no verbal *promises* of reform should be accepted in the case of drink without *actual proof* of reform. Or, again, when the *fiancé* is a frivolous worldling of 'fast' life and doubtful morals, a spendthrift or a gambler, and the like. In exceptional cases, parents may be justified in insisting on a child's marrying one particular person rather than another. This, however, can hardly occur except when *other reasons* make it the child's *duty* to do this—for example, when the family is in dire need, and a certain match will relieve it; or when the healing of a deadly feud depends upon a particular marriage. In such cases, however, it is rather the duty of *charity* to one's kith and kin than of *obedience* that restricts the child's freedom of choice; and even here great repugnance to the match would release the child from the obligation, in spite of family need. Parents are not forbidden to reason, advise, or persuade; but they are not allowed to use strong moral pressure, or to sternly forbid or command in this matter, unless the cause be clearly just and grave.

Causes of objection.

Parents may also rightly object if the 'intended' be of a *very* notably lower social condition to their own offspring, or of evil fame, or in any way under some public disgrace, such as would reflect real dishonour on the family; but not if the object of choice be merely of a somewhat lower position, or poor, provided that, in the opinion of prudent persons, they will have money enough to establish

themselves in fair decency according to their social condition.[1] Of course, for parents to refuse consent when there is no solid personal objection to the match, merely because they aspire to a wealthier and more ambitious alliance, is quite *unjustifiable*, and a sign that they prefer worldliness to the happiness of their offspring.

Objections to a 'mixed' marriage.

Undoubtedly, any Catholic parent may, *as a rule*, justly and reasonably refuse consent to a 'mixed' marriage. And, of course, if there be any likelihood of the marriage not being celebrated under Catholic conditions, they are *invariably bound* to prevent what would, under such a supposition, be *no marriage at all* in the sight of God, in conscience, and before the Church, but rather a way of life that goes by a very ugly name.

Fear of scandals and feuds.

Parents may also justly object to a match which will, in all probability, end in *scandals* and *deadly feuds*, altogether disproportionate to inconveniences that would follow from the match being abandoned. On the other hand, the mere anticipation of a certain amount of friction and discord, such as is very often to be feared, puts the couple under no obligation of breaking off in deference to parental objections.

Unjust obstruction a grave sin.

The sin of parents who, without just cause, obstruct a match between those who are attached to each other is *undoubtedly grievous*, as one can see from the consequences of such action—great distress and hardship, exposing the young people

[1] See footnote, p. 111.

to the temptation of an immoral *liaison*, hindering them from fulfilling the grave obligations which they have mutually incurred by becoming engaged to each other, and, with some characters, there will be no small risk of making children desperate, and plunging them into vicious dissipation.

'I can legally forbid the banns.'

The fact that the civil law may give parents full power to 'forbid banns' will not excuse them in conscience for using that power at the expense of the moral law as interpreted by the Catholic Church.

Duties of children.

So much for the duty of parents as regards the marriage of their children. But the children have duties as well.

Concealed betrothals.

What, then, is the moral position of a young couple who have pledged themselves to marriage without the knowledge of parents? They are not only not obliged to annul the match when the parental resistance is *unreasonable*, but they are *bound not to* do so. But sometimes their resistance will be followed by consequences that may alter circumstances so greatly as to justify breaking off, albeit these consequences may be induced by parental injustice. Nevertheless, the young pair should not part hastily. Storms may be very violent at first, but in time they often blow over.

When the couple sin by secrecy.

Speaking *quite generally*, however, children sin *grievously* who become engaged, or who marry, without either at least *seeking* the advice of parents, or informing them of the step in contemplation.

In view of the close natural relations subsisting between the offspring and parents, such independent action is a grievous slight upon the latter, who justly feel themselves set on one side by not being consulted in an important matter which may seriously affect family interests.

All the same, sometimes children will sin but lightly, sometimes not at all, by failing to take parents into their confidence. When the sin is light.

There will be no fault at all, for instance, if they fear opposition that is clearly *unreasonable;* or if there be no likelihood of parents objecting, and the young couple merely await some favourable opportunity for seeking parental approval; or, obviously, if the couple engage themselves conditionally, and subject to the approval of their parents. When secrecy is lawful.

Then, there are parents to be found who ordinarily pay little attention to the doings of their children, as, for instance, when a son has been long his own master and absent from home or has raised himself in the social scale by his own exertions. Even in such cases, there would at all events be *some* fault in not consulting parents; and there would usually be a *grave* one in not even *informing* them of the engagement, unless *unjust* opposition were anticipated. There are few fathers and mothers who would not rightly feel such treatment to be a grievous slight and unkindness. Sudden parental solicitude.

5. *Previous Espousals.*—When two parties have become 'engaged,' they are bound to fulfil their Nature of the impediment.

mutual promise of marriage unless some valid reason exists for breaking off the engagement. If either party to the betrothal 'jilt' the other—*i.e.*, withdraw without just cause—that party sins by contracting marriage with another person. The previous espousals still hold good and render departure from them unlawful.

Conditions for incurring it.

But in order to incur this 'impediment' the espousals must be real ones, the 'engagement' must be canonically binding. Previous to the New Marriage Laws, issued by the Holy See, August, 1907, it was often difficult to determine in particular cases whether betrothals were binding or not. No such uncertainty can now arise. If the couple have not drawn up their 'engagement' in a documentary form, signed by them both, and also by some parish priest, *or else* by two witnesses, the engagement is regarded as null by the Church, and will not be binding on the consciences of the parties.

The causes for which a real engagement, in the ecclesiastical sense, may justly be broken off have already been considered in No. VII.[1] A betrothal *rightly* cancelled does not create the present impediment.

'Previous espousals' and public decency.'

The reader must notice that the impediment under consideration here is merely a 'hindering' one, making marriage sinful, not invalid. But when the previous espousals have been accomplished with a *relative* of the person with whom marriage is contemplated, there may arise a

[1] P. 94.

'diriment' impediment—viz., 'Public Decency,' for which see below.[1] Neither of these impediments springing from previous betrothal is incurred unless the 'engagement' has been solemnized in the documentary form appointed.

6. '*Mixed*' *Marriage*.—There are two ecclesiastical impediments arising from difference of religion between the parties to a marriage—the one merely rendering marriage unlawful (unless a dispensation be got, and the conditions attached to it duly fulfilled); the other a 'diriment' impediment, rendering *void* a marriage between a Catholic and an *unbaptized* person—*i.e.*, one who has never undergone any form of baptism.[2]

Here we are dealing with the less drastic impediment which forbids marriage with a presumably baptized non-Catholic, or Protestant. A marriage of this sort is called 'mixed.'

Delicacy of the subject.

Something must be said about this class of marriage on account of the evils so frequently entailed by it. But, in saying it, the writer is fully conscious of the delicacy of the subject. Some of his readers may themselves be parties to a 'mixed' marriage, or they may be the offspring—the good *Catholic* offspring, perhaps—of such unions. So that whatever be said to their prejudice may seem like a personal attack upon and reproach to themselves, or their parents, or relatives. And yet the delicate task is inevitable. To disclaim any intention of discourtesy—however sincerely—may seem feeble. Perhaps the best

[1] P. 200. [2] See note, p. 202.

course is to submit to any dispassionate reader that the above reasons for silence ought not to prevail in the present matter, any more than the fact that some readers may occasionally break the Commandments should prevent the writer from setting forth the laws of God and of His Church. But, still, it is hoped that no reasonable cause of offence may be found in the ensuing observations.

Mind of the Catholic Church.

What is the attitude which the Catholic Church —our Heaven-appointed guide—assumes towards 'mixed' marriages? Pius VIII. declared, in 1830, that the Church had always 'abhorred' such unions. Leo XIII., in his constitution 'Arcanum,' points out the reasons of the abhorrence.

Evils: 1. Degrading Catholic rites.

1. The sharing in most sacred Catholic rites with non-Catholics: for the baptized parties necessarily receive the Sacrament of Matrimony, and one may add the non-Catholic party generally ignores, or makes light of, its sacramental nature, even if he does not positively despise it.

2. Faith 'watered down.'

2. 'Mixed' marriages, the Pope further points out, 'endanger the faith of the Catholic half and (3) the right education of the children.' If the faith of the Catholic spouse be not actually undermined, it is very commonly weakened. It gets watered down by the most intimate and constant intercourse with one whose religious views and standards are entirely opposed. The Catholic party may not always be conscious of the diluting process, but others easily notice it. And there can be little need to insist on the difficulties which arise concerning the Catholic

religion and moral training of the children, especially of those who are of the same sex as the non-Catholic parent. As experience shows, a non-Catholic father often recalls the promises on this point which he made at marriage, or rather *before* it, and when presented with a son and heir, insists upon his eldest boy being brought up in his way of thinking (or of *not* thinking), or what is even worse, he may persuade his wife that it is wrong 'to prejudice' children's minds with definite religious teaching until they are 'able to choose for themselves'! But he allows these same minds to be 'prejudiced' early with reading, writing, arithmetic, history, and soon with some sort of moral teaching, which, however, lacks the intelligent and intelligible *basis* which only the definite truths of faith can supply. He starts early with *secular* teaching. Of course! For here the *earthly* interest of his children is at stake, and that must be considered betimes, whatever happens to their immortal souls!

The best possible is bad.

Let us assume what is, from the point of view *which binds a Catholic conscience*, the most favourable case—namely, where the *mother* is a good and firm Catholic, and the non-Catholic father a good-living man, honourable, and content to leave the education of his children entirely to his wife, without quarrels or complaints. Can any evil, it may be asked, be discovered in so favourable a state of things? Yes, *much* evil. It is not what the non-Catholic husband *does*, but what he fails, and naturally *must* fail, to do, that makes the evil.

He, the head of the family, and the constant mate of his wife, gives *no support* to the Catholic life of either. The Christian ideal of marriage—that man and wife should be a mutual mainstay on life's journey to heaven, the one sustaining the other in the moments of religious weakness and moral temptation which come to each of us in turn—cannot be realized in a 'mixed' marriage. Unless utterly heedless of their spiritual destiny, they will need and look for support most of all when inclined to fail in duty towards God and towards their own souls. Yet how can they aid each other on the path to heaven if they daily journey thither by entirely different religious routes—if, indeed, the non-Catholic have any route at all?

It is not to be expected that, if laxity should creep in, the non-Catholic husband will take it upon himself to keep the Catholic practice of wife or children up to the mark. Then, there is the perpetual puzzle for the children why their mother should hear Mass, abstain, confess her sins, etc., and *teach them* that all these things are commanded by God, and may not be omitted without sin, while they see their father ignoring any such obligations. And perhaps at times he good-naturedly quizzes the mother for 'bothering' so much about them, or, in moments of ill-humour, grumbles at the domestic upset which Catholic observances create on Sunday mornings, or, still more, on holidays of obligation. The home atmosphere is for these opening minds one of religious fog. Then, he dislikes having to spend his

yearly holiday at some place he does not care for (as possessing no golf-links), because in the place he prefers there is no Catholic place of worship within practicable distance. And when the boys, particularly, grow up and become companions to their father, they will *tend* to be less particular about religious exercises which their dear old 'dad' ignores. The *negative* influence of his example in these respects will be *stronger*, and not weaker, just in proportion as he is in other points a model father, and therefore an object of esteem and admiration to his sons. In short, a home of this kind, the *very best* that can be hoped for when religions are 'mixed,' inevitably lacks that *distinctive Catholic atmosphere* which is of such vital moment for the training of Catholic children. As a sort of return for the non-interference of the non-Catholic parent, religion, which should be the most important subject of all, becomes a forbidden topic of conversation—much more so than the characters of neighbours. 'Of course, we *never* introduce the subject of religion at home.'

A *worse* case.

This, as we have said, is the best case. But what if the husband turn out after marriage to be a scoffer or a bigot? Such surprises are not by any means unknown. In that case, either the wife weakly hauls down her Catholic colours, yields up her faith—or, at least, its regular and consistent practice—for herself and for the hapless, helpless young souls whom God has entrusted to her care. Or, if the wife be made of somewhat firmer stuff, the children become conscious of

parental quarrels and dissensions, or accustomed to a thousand little deceptions, practised in order that their newly-born brothers and sisters may be baptized by the Catholic priest, and that their mother and they may get Mass, or occasionally the Sacraments, all of which is perplexing, unsettling, demoralizing. And when the age for schooling arrives, there comes perhaps a battle royal about the school to be chosen—Catholic or non-Catholic—resulting at best in some wretched compromise.

Well may Leo XIII. declare: 'Often, too, "mixed" marriages drive people into a habit of mind which regards all religions as equally good, thus effacing the distinction between the true and the false.'[1] In truth, such indifferentism is not only the frequent effect of 'mixed' marriages upon the families concerned, but also causes their multiplication around. For constant familiarity with the occurrence of such compromises in a given neighbourhood tends to blur the dividing line between the True Faith and error.

The *worst of all.*

Now to consider the *most unfavourable* case of 'mixed' marriage from the standpoint of the children's spiritual welfare—viz., where the *mother* is the non-Catholic half. The Catholic father may desire her to educate his children in his own faith; and a Catholic father, as head of his family, could have *no possible excuse* before God if he did not make sure that this was done faithfully as far as the thing is possible. Even English law stands on his side.

[1] See Series I., p. 33—the 'Catholic Position.'

The wife may obey and do her *very best*, although it is not improbable that her Protestant relatives, if hot and strong, may succeed in dissuading her. But, with the best will in the world, she cannot instil into others what is not in her. A theoretic knowledge of the Catholic religion she may have, or may acquire, but its *spirit* is beyond her reach. No teaching of the Catechism as a lesson, however painstaking, can ever prove a substitute for the instruction of an earnest Catholic mother who strives to live the life of a good Catholic. There is a certain quality in such lessons, derived from sincere conviction, and, above all, from faithful *example*, such as the book-lessons given by the best and most conscientious non-Catholic mother can never supply. The mere fact that she does not believe or practise half of what she teaches necessarily produces on the children an unsatisfactory impression in their most impressionable years. Is it not rather the hallowing memory of religion, as witnessed during childhood in the life of an exemplary Catholic mother, rather than her precepts, which so often exerts a salutary influence upon sons and daughters afterwards, and even brings back wanderers to Catholic duty?

If the Catholic parent die?

And there is yet another peril in 'mixed' marriages—*i.e.*, should the Catholic half die prematurely, and the Catholic education or care of sons and daughters devolve upon the non-Catholic parent; or, if the deceased Catholic parent be the mother, upon some Protestant—perhaps intensely Protestant—female relative of the father, who perchance 'always disapproved of

his Romish match,' and may deem it a righteous deed to rescue the 'popish' offspring as a brand from the burning.

Mitigations of evil.

While all these incidental mischiefs are amply borne out by numerous facts of experience known to priests and observant laity, nevertheless, the chief of them can be averted or minimized by taking the necessary precautions. Even Benedict XIV., while saying, 'It is with difficulty that the dangers can be removed from marriages of Catholics with heretics,' nevertheless adds: 'Still, this is not altogether impossible.'[1] And hence, as Lehmkuhl notes, Benedict considers it *rash* (temerarium) *to assert in general that all mixed marriages, though entered upon by Papal dispensation, are sinful.*[2] Indeed, if this were true, it would be difficult to clear the Holy See of co-operation in sin when it grants or empowers Bishops to grant such dispensations. Cases may occur, it is true, where the dispensation is *extorted* from the Church under a virtual threat of apostasy, or, as the law now stands, of illicit union, and then there would be sin in the extortion. But if a Catholic, however unwisely, applies *in good faith* to Mother Church for leave to marry a non-Catholic, and the alleged reasons for the grant are accepted by the Church, one cannot contend that such a person would sin by doing what the Church, after weighing the reasons, permits. Such a view would seem to credit the

[1] 'De Synodo,' l. 6, cap. 5, No. 3; and l. 9, cap. 3, No. 5.

[2] 'Theologia Moralis,' vol. ii., p. 509, in note (1885 edit.).

Church with treachery to the souls committed to her charge.

That in practice 'mixed' marriages are prolific in spiritual evils experience proves clearly. But we must also face the other side of the picture. Every priest and Catholic layman must know of innumerable instances in which 'mixed' marriages have, under God's blessing, been the direct occasion of great spiritual good. They have obviously resulted in many *sincere* conversions of wives, husbands, and children to the true faith. Had the non-Catholic parent in such cases married another non-Catholic, these conversions would probably never have been. Then amongst these, and amongst the children of these, it would be easy to point to numerous converts who have lived lives of singular edification and of great usefulness for the spread of Catholicism in England and elsewhere. Such could be counted by dozens in almost every rank and walk of life, and not least in the ecclesiastical and religious states of life. On the other side, it must be confessed that these unions are not unfrequently productive of conversions *de convenance*, particularly when moral pressure has been indiscreetly put upon the non-Catholic in order to secure reception into the Church before marriage, perhaps to avoid the necessity of applying for a dispensation. In many of these conversions 'for marriage' the wedding has been the last occasion upon which the convert has put in an appearance at Catholic worship. *Pro* and *con.*

Seeing, then, that there are so many aspects of this thorny question, it may be well to consider what are the underlying Catholic principles in the matter.

Law of self-preservation.

The natural law implanted in the heart of every man by God impels him to *self-preservation*. Hence, suicide or self-mutilation, for instance, is an unnatural crime, as well as an offence against the revealed law of God. But the duty of preserving one's life is more imperative when there is question of the *supernatural* life of the soul than when only the life of the perishable body is at stake. Once, therefore, that Divine revelation, as authoritatively expounded to us by the Church of God, has illumined us with the light of the Faith, the duty of *spiritual* self-preservation in matters of religion becomes imposed upon us jointly by the Divine, and by the natural, law. Consequently, neither in the choice of my partner in life, any more than in the choice of any other circumstance of my life, may I expose my faith to serious injury, or to danger of loss, without *grave sin*. Further, once the duties of a parent are laid upon me, I am strictly bound before God to protect my offspring also from such injury or loss, the more so as, from the nature of the case, those children cannot protect themselves, and have a natural right to look to me for safety.

The Church has repeatedly declared—what her long experience as well as our shorter one proves—that the intimate matrimonial relations between a Catholic and a non-Catholic are fraught with

dangers to the faith of the Catholic half and of the children. She does not, however, deny that such dangers may, in individual instances, either cease to exist, or else be reduced to safe proportions. And hence she not uncommonly gives permission by *dispensation* for these unions, when the reasons are sufficient.

Dispensation not given from *natural* law.

But Catholics should clearly understand that such dispensation, while it exonerates them from disobedience to the prohibition of the Church regarding 'mixed' marriages, can never excuse them from a sin against the natural law if they know in their hearts that, by contracting marriage with particular non-Catholics, they individually are running serious risks to their own faith or to the faith of the children whom God may grant to them. For the Church has *no power* to exempt us from the Divine, or from the natural, law.

Couleur de rose.

Catholic young women, when in that barely rational condition of mind called 'in love,' are prone to deceive themselves too easily with the notion that they are going promptly to convert their *fiancés* to the Faith. 'Why, Father, he always comes to Church with me!' Of course he does—during courtship. But the real test will come later on, when he has acquired the legal rights of a husband over you. His joining you in Catholic worship, or at least accompanying you at it, *may*, it is true, be quite sincere, a sign of grace; but it *may* be nothing more than a sign of 'courting,' and courting, like all else that is earthly, has an end.

Deliberate hypocrisy.

Sometimes even greater complaisance than this proves to be a deceit deliberately practised to win over a Catholic girl, the mask of a violent bigotry that will work its relentless will *after* marriage. An authentic case is on record of a non-Catholic man who, to win an excellent Catholic girl, that declined to marry a non-Catholic at any price, actually went through a thorough course of Catholic instruction, made his profession of faith, was baptized, and received into the Fold. But, on coming out of the Church after the wedding, which had apparently gone off without any hitch, he turned upon his bride, and said, with flashing eyes: 'Now, Mary, understand once for all that neither you nor I shall ever enter a Catholic Church again.' Of course, that poor deluded child was amply justified in leaving the base hypocrite on the spot. But what a future for her!

The Church chooses the lesser evil.

The Church, hoping against hope, will sometimes give the necessary dispensation for a 'mixed' marriage to prevent still greater evils. There are Catholics whose religious principles are 'jerry-built,' and liable to collapse; and the Church, fearing a sham marriage at the registrar's, or in some non-Catholic place of worship, may give a dispensation as the lesser of two evils. A poor affair, at the best! But it is Mother Church's last hope of better things to come.

Practical difficulty of avoiding 'mixed' unions.

Risky as 'mixed' marriages are, the difficulty of avoiding them in a strongly non-Catholic country like England can hardly be disputed; and it is still greater in parts where eligible Catholic mates

are few and far between. The Catholic poor, whose occupations mostly tie them to one locality, are at a special disadvantage—above all, in small towns or villages, where matrimonial choice is more limited. Then, the case is far harder for the woman than for the man. For he has the asking, and hence less excuse. Moreover, he usually has more occasion for moving about from place to place, and seeing different people. So far, at least, things have not come to the pass with us when the woman proposes herself! We are not all heroes and heroines, and the girl who has not the religious heroism to prefer the absolute security of her Faith and Catholic fellowship to settlement in life, is apt to accept the first offer that comes, fearing it may also be the last.

Heroic souls.

Yet, thank God, heroes and heroines are still to be found, who cannot bring themselves to give their hearts to one who lacks the one recommendation they most value—perfect agreement on the paramount question as to how God wills to be served, and heaven is to be gained.

Rather than live a married life that will be *religiously* divided, if not positively disturbed, girls are to be met with, even among the poor, who elect in preference a life of lonely singleness. God bless them!

Yet I do not pretend to say that a Catholic who fails to rise to this heroic pitch necessarily endangers faith by a mixed marriage. That would be a gross exaggeration, refuted by palpable facts. Once a party of Catholic priests were discussing

together the evil fruits of 'mixed' marriages, when one of them observed: 'Why, let me see. How many of us priests here present are children of such marriages?' It was found that nearly all of them were, and some had sisters in convents. Evidently, in these families, at least, the home atmosphere had not proved unfavourable to Catholicity.

Essential conditions for 'mixed' marriages.

What are the exact conditions upon which the Church grants a dispensation for one of her subjects to marry a non-Catholic? It should be noticed, first of all, that this dispensation is always needed, and under pain of *mortal* sin, and the Bishop will require reasons for granting it. Marrying without a dispensation means that the Sacrament of Matrimony is profaned by the Catholic party at least; and since no Catholic priest is free to preside at a 'mixed' marriage for which no dispensation has been granted, it follows, under the New Matrimonial Laws of 1908, that such a wedding without the Catholic priest leaves the parties unmarried, as they were before it. To become an honest wife, or to come by one, the 'mixed' marriage, like any other entered upon by a Catholic, must be performed according to the laws for validity fixed by the Catholic Church.[1]

Even if granted, the Bishop's dispensation is of no effect unless the following conditions be fulfilled:

1. The non-Catholic party must *seriously promise* before marriage that the Catholic party shall have perfect freedom to practise the Catholic religion in all points. There must be no pressure exerted

[1] See Series I., p. 320, 'Authority of the Church.'

to hinder the fulfilment of conscientious Catholic duties.

2. *Both* the parties must seriously promise that *all* the children of the marriage, male and female, shall be properly brought up in the Catholic Faith. This, of course, refers to their schooling as well as to their earlier training at home.

3. The Catholic party must promise to do all that is discreetly possible to lead the non-Catholic half to the Catholic Faith. This, of course, does not involve any sort of coercion, still less does it mean that all methods are lawful 'for the good of the Church'—an immoral principle frequently attributed to Catholics. This duty is to be fulfilled with all charity, gentleness, and prudence. It will generally be accomplished most efficiently by prayer and *good example*.[1]

In England the parties to a 'mixed' marriage are required to append their signatures to a printed form containing these three promises.

Obtaining the promises.

It is important to remind Catholics who are about to marry non-Catholics that they should take *timely notice* of these essential conditions for benefiting by the Bishop's dispensation. Even before they practically engage themselves to a non-Catholic they ought to *make sure* that the promises will be forthcoming; for if the non-Catholic decline to give them, there can, under the New Marriage Laws, be no real marriage in conscience, since no Catholic priest may assist at the wedding in such circumstances. This some-

[1] See note, p. 208.

what delicate business of securing the needful pledges ought by no means to be put off till the eleventh hour when the wedding is decided upon, and perhaps imminent.

Saddling the priest.

It is really the business of the Catholic party himself (or herself) to see to this vital matter, and not of the priest. But what happens not unfrequently is that a Catholic *fiancée*, out of natural timidity or fear of losing her cavalier, shirks the difficulty of broaching the subject to him till the last moment, and then rushes off to the priest in a 'fuss' to ask him to do the job for her.

An awkward business.

Now, it is obviously not the easiest thing in the world for a Catholic priest to persuade a non-Catholic—who, as such, may be prejudiced against priests to start with—of the sweet reasonableness of agreeing that *all* the prospective issue of *his* marriage shall be brought up in the wife's way, and not in his own. Whereas, if real affection subsist between the pair, the *fiancée* is clearly much more competent to reconcile her lover to such a surrender than a stranger, who is also a 'Romish' priest.

The Catholic party responsible.

Nay, sometimes it almost looks as if the Catholic party regarded the securing of Catholic conditions as some special benefit to the priest, who should consequently see to the thing himself if he cares about it. Whereas, it is a *grave* duty imposed by the True Faith upon the Catholic, who, contrary to what the Church would desire, insists on marrying a non-Catholic, and seeks a dispensation for the purpose.

But how is one to meet the non-Catholic's most natural objection, that he (or she) does not see why *his* (or her) religious principles should be overridden in preference to those of the Catholic 'intended'? 'I have nothing to do with the Catholic Church,' the person may argue, 'and she has no right to command me.' If it be the male party that is the non-Catholic, he may add, perhaps: 'Of the two, the wife ought to conform to the husband—at least, as regards the training of the children (for I have no wish to interfere with her own private conscience). The children will be mine just as much as hers.'

The non-Catholic's objections.

There is no small force in such reasoning, considered from the non-Catholic point of view, and it deserves to be fairly met. There is one good feature in it—namely, it shows that the non-Catholic is not an indifferentist in religion, always supposing that he is really looking to his conscience, and not to his purse, which might sometimes be the loser through the displeasure of bigoted relatives, if he yielded to 'Romish pretensions.'

Objections weighed carefully

To this reasoning one may perhaps reply thus:

'You say you have nothing to do with the Catholic Church. But you *have* something to do with the Catholic Church! for you are running off for life with one of her sheep. Whether the Church has, or has not, the right to command *you*—who have presumably received the 'one baptism'—is a point that may be waived for the moment. The Catholic Church may reply that,

in this matter, she has nothing to do with *you* —that is, not directly. The Church addresses herself to the faith and conscience *of her own subject*, your *fiancée*, who recognizes her authority as coming from God. Further, there is nothing in revelation, nor in reason, to prove your contention that the wife should conform to the husband's *religion*, rather than the other way about. The real question is, Which is the *true* religion of Christ, to which *both* should conform? Your contention would prove that, were you a Mohammedan, for example, or a Mormon, your wife ought to become one too.

'But still you urge that, all the same, the requirements of the Catholic Church violate your conscientious convictions—whether directly or indirectly, it matters not—and that you have as much right to these as your *fiancée* has to hers. Very well. Then it is a simple case of deadlock, and the marriage cannot be.'

One may sympathize with the man here, if his intended has inconsiderately left him in the dark till the last moment as to what her duties as a Catholic *fiancée* imposed upon her. But if he knew all about this before committing himself to the match—as most non-Catholics do know at this time of day—one may reasonably meet him as follows: 'Should you not have consulted your conscience earlier, and not have engaged yourself to a Catholic at its expense? If your religious convictions weighed little with you against your love of the girl *before*, how is it that they have all

at once become so important to you, now that you are come to the point of marriage?

'And now about these conscientious convictions themselves. Are they really as imperious in the convinced non-Catholic, or Protestant, bridegroom as they are in a soundly Catholic bride? It is not easy to understand how they can be—I mean even from the *non-Catholic* religious standpoint—on account of the essential difference between the theological positions of the Catholic and of the non-Catholic, whatever be the particular persuasion of the latter.

Difference between Catholic and non-Catholic position.

'Observe the difference. The Catholic—if worthy of the name—believes in the *present* existence on earth of an *unerring* and *undivided* Church, which, assisted by the Holy Spirit, actually teaches the one and only true faith of Christ, and lays down the right course of Christian conduct. You, of course, do not admit this. But, for better or for worse, that, and nothing short of it, is the religious position of your intended. Hers, therefore, is an attitude of religious *certainty*, which excludes the possibility of any other code of faith or morals being true, however sincerely professed by its adherents.

Liberty of religious thought.

'The non-Catholic position, on the contrary, is essentially one of free thought in religious matters, or let us call it private judgment. The non-Catholic does not recognize, as actually existing, and effectively operating on earth, any infallible religious authority to which he can appeal, and to whose decision he must in conscience submit

without questioning, as unerringly true. As a consequence, he deems himself at liberty to judge for himself among religious opinions, and to question the views adopted by his own denomination. He may be right or wrong, but the logical result of this attitude is that he must needs admit the same right of choice to others.

Non-Catholic position: a probable view.

'And whoever makes this admission implies thereby that his own religious conclusions—however tenaciously clung to—are, after all, only his adopted *views*, and possibly *wrong* ones—such as some day or other he may come to revise. Similarly, he must allow that views clung to by others may be, after all, the *right* ones. Now, this attitude is not one of *certainty*, but only of more or less reliable *opinion*.

'Applying this to the difficulty about your marriage with a Catholic girl, even from the non-Catholic standpoint you must in reason grant that your *fiancée* may be right, after all, in exacting Catholic conditions for herself, and for her children, and in wishing to lead you to her faith. From which it further follows that your conscientious convictions, when tested by reason, are found not to be so imperious and absolute as you first alleged.'

A serious consideration.

There is, however, another feature of the case which a non-Catholic bridegroom would do well to consider carefully. If he refuse to give way, no Catholic priest can in conscience celebrate the wedding. That means, according to the Catholic religion, that there will be *no true wedlock*. 'By

English law,' the non-Catholic may retort, 'we shall be lawful man and wife, priest or no priest! And that's good enough for me!' Quite true—that is, according to the State laws of England. And perhaps it will be useless to urge upon you that the Catholic Church considers the State as having really nothing to do with the case, by rights. But the difficulty cannot be thus easily brushed aside. For the non-Catholic *fiancé* must remember that none of his intended's Catholic friends and neighbours will regard her as an honest wife, but as something far less decent, unless she be married by her rightful Catholic priest. Is this 'good enough' for you? And even if it be, is it good enough for your 'wife' and the mother of your children? Quite apart from the *sin* of it in Catholic eyes, one would fancy that no man and woman can afford to brave a considerable section of respectable public opinion—the opinion of 230 millions of Christians—which looks askance at them as an unmarried couple. And this is a consideration one would also commend earnestly to the attention of any Catholic girl who was inclined to yield weakly to the anti-Catholic pressure of a *fiancé* with regard to the conditions of marriage. Let her hold her own. She will surely win—or if perchance she did not, and lost her prize, she would at all events save her immortal soul—and, as the French preacher naively put it: 'Et, mes chers frères, c'est toujours quelque chose!'

II. 'Diriment' or Destructive Impediments.

This graver class of 'impediment' renders marriage *null* and *void* as well as unlawful; parties labouring under 'diriment' impediments are incapable of contracting a real marriage before God, in conscience, and before the Church, whether the State laws are pleased to agree or not.

Impediments act reciprocally.

Since John, if under such an impediment, is incapable of valid marriage with Mary, it follows that Mary is equally incapable of marrying John. An impediment in one party indirectly affects the other. For matrimony is mutual.

It is not intended to deal exhaustively with this lengthy subject of impediments. Suffice it to choose from them those which are of more usual occurrence, and are also more suitable to a work like the present.

1. **Substantial error** in the contract of marriage.

It is clearly of the very essence of a matrimonial contract that a party should contract with the identical person he (or she) means to marry. A mistake as to the person renders the consent given null and void. For example:

Example.

There are two twin-sisters, Rachel and Lia. Jacob is engaged to Rachel, and the wedding is fixed. But when the day arrives, Lia — who wishes to oust her sister—locks her up in a cellar at home, and comes to church arrayed in all poor Rachel's bridal glories. Jacob, not perceiving the fraud, any more than the bystanders, owing to the dim religious light or London fog, plights his

troth to the impostor and she to him. Such a marriage is null. On the other hand, if Jacob, unable to tell whether his true bride stood before him, said to himself: 'There's not much to choose between them, and I mean to marry this woman *here present*,' his consent would be binding.

Accidental errors do not annul marriage.

The absence of some quality mistakenly supposed to exist in the object of a person's matrimonial consent will not invalidate the marriage. Thus, a woman believes a man to be very rich, when in truth he is not, good-natured when in fact he is brutal, sober when he is really a drunkard. In such cases the marriage holds good, albeit most unfortunate and short-sighted. Otherwise, what uncertainties would be introduced into nuptial unions! For parties to a marriage—male or female—do not so often find their consorts exactly what they took them for. Complexion may prove to be paint, a clear blue eye, glass, and graceful form the best of whalebone. But disappointment in these, or in more important accessories, such as health, does not loosen the nuptial tie. There is real meaning, therefore, in the words 'for better, for worse; in sickness and in health, till death do us part.' Accidental recommendations may not come up to fond expectation, but the substantial contract remains firm. We must, however, except here the case of 'conditional' consent that is really such.

An exception to above.

It might, however, happen that a person married for some *definite purpose*, and that the securing of that end was his or her *sole reason* for choosing A

rather than B. For instance, Mary—who had no wish to marry at all—out of compassion for her destitute, widowed mother, consents to marry James, who represents himself as able and willing to relieve the maternal distress. Should James prove to be poor and hopelessly encumbered by debts, the marriage would be void. For in such an exceptional case, the lack of means introduces a substantial, and not an accidental, defect into the contract. It was the opportunity of providing for the mother, and not the man, which formed the sole reason of Mary's consent. The very *raison d'être* of the match was wanting.

2. **Solemn vows.**

Not all vows made to God have a destructive effect upon marriage entered upon in spite of them, but only those known technically in Canon Law as 'solemn.' The grade of the Subdiaconate includes a vow of this kind, and therefore no one in 'Major Orders' is *capable* of making a woman his lawful wife in the sight of God.

What makes vows 'solemn.'

The solemnity of vows has no reference to pomp and circumstance attending the public ceremony of pronouncing vows—such as is usual at a nun's 'profession.' What makes a vow 'solemn' is its full acceptance as such by the Church. This carries with it certain ecclesiastical privileges, and also liability—in case of delinquency—to certain ecclesiastical penalties. With the exception of the older religious Orders—such as Benedictines, Cistercians, Carthusians, Dominicans, Franciscans, Servites, etc. — few Orders,

whether of men or women, take 'solemn vows'—though this fact in no way diminishes the merit of their sacrifice. The Society of Jesus, however, has 'solemn vows': and, moreover, by the constitution of Gregory XIII., 'Ascendente Domino,' even the 'simple' vows taken at the end of the Jesuit novitiate have the same 'diriment' effect upon subsequent marriage as 'solemn' ones.

This impediment is purely of ecclesiastical, and not of Divine, institution. Hence the Holy See has power to dispense from it. Dispensation, however, could only be granted for some exceptionally grave cause.

Solemn vows *following* marriage.

Moreover, 'solemn' profession in a religious Order, canonically so regarded, has the effect of dissolving a marriage *previously contracted*, provided the latter has not been consolidated, or 'consummated,' in cohabitation. But here, clearly, the vow acts not as an 'impediment,' or pre-existing hindrance to, but as a dissolvent of, unperfected matrimony—the only kind of marriage that is dissoluble among the baptized.

Example.

Let us imagine that a devout couple, just returned from their wedding ceremony, and obeying an inspiration received while in church, freely agree to separate on the spot, the husband deciding to become a priest, and the wife a discalced Carmelite nun. The matrimonial bond would survive during the time of their respective probations; but on the wife making her 'solemn' profession (or the husband receiving Subdeacon's Orders), the marriage will be dissolved. If,

afterwards—through some unusual occurrence—the nun were to be dispensed from her vows, and allowed to return to the world for good, she would become once more canonically marriageable, just as if no wedding had ever taken place. The case of a Subdeacon being dispensed from his solemn vow of chastity is practically unknown. Yet in the time of the great French Revolution, when certain priests, demoralized by the social upheaval, fell away from their high vocation, took 'wives,' and had issue, the Holy See subsequently gave dispensations in some cases, in order to right these illicit unions, but on condition of retirement from all ministerial functions for the future.

3. **Spiritual relationship** arises as an impediment to valid marriage, from the Sacraments of Baptism and Confirmation, as follows:

Who become spiritually related.

(1) The *baptized* (or confirmed) is incapable of matrimony, (*a*) with the person who conferred Baptism (or Confirmation). This could hardly be a practical case except where a lay person—say, a lay catechist in China—administered Baptism; or where a nurse, for example, validly baptized in urgent case of necessity; (*b*) with the godparents, supposing these fulfilled the necessary conditions, during the ceremony, for really incurring the obligations of sponsors.[1]

(2) The *father* and *mother* of the baptized (or confirmed) are debarred from matrimony—(*a*) with the baptizer or confirmer; (*b*) with the sponsors, or godparents. No impediment arises between

[1] See Second Series of 'Letters,' Part I., pp. 58-60, 70.

one sponsor and the other. Hence an 'engaged' or a married couple incur no matrimonial disabilities in relation to one another under this impediment by standing as sponsors at the same ceremony.

While an unbaptized person would not be affected by this impediment, a baptized person who had abandoned the Church would. If the same person has stood sponsor at the Baptism and also at the Confirmation of anyone, a double dispensation would be needed for marriage when an impediment has been created.

4. **Blood-relationship, or 'consanguinity.'**

Definition explained.

Blood-relationship is the natural tie subsisting between persons who are derived by generation from a common 'stock'—that is to say, who are descended through successive generations from one particular couple, sexually united. From this definition, it follows that the force of the present impediment does not depend upon the *legitimacy* of marriages forming the links in the chain of descent.

What is the 'stock'?

The 'stock' is the 'moral' person (man and wife) from which two people trace their descent, and in whom their respective lines of descent meet.

Thus, for example, the late Queen Victoria and Prince Consort form the stock from which the children of our present Prince of Wales, the heir-apparent to the Spanish Crown, and the children of the Duke of Connaught descend in common, and in which they all unite.

'Line of descent.'

A 'line' means the *series of individuals* who are derived from a common stock. Thus, Queen Victoria, King Edward VII., the Prince of Wales, and Prince Edward form a 'line.' But a line may be 'direct' or it may be 'lateral.' In the 'direct' line, the individuals forming it not only spring from a common stock, but descend from each other by process of generation, as in the example of a 'line' just given. But in the 'lateral' line, its constituents, though sprung from one common stock, do not spring from each other —as, for instance, in the case of second cousins (*i.e.*, the grandchildren of brothers or sisters). Thus young Prince Edward and the Prince of Asturias are descended from Queen Victoria in collateral lines, but do not descend by a chain of successive generations.

'Degree.'

The 'degree' of relationship in which a person stands related to another means the distance intervening between the two in relation to the common stock of both. Thus, John's niece—the daughter of his sister Mary—stands related to John in the *second* degree, because *two* generations intervene between the niece and John's father (and mother), in which 'stock' both uncle and niece unite.

Unequal descent.

Two people descended in collateral line may be removed from the common stock by an *unequal* number of degrees: for example, Prince Edward and the present Queen of Spain. The former is removed from the late Queen Victoria *three* degrees, and the latter only two. So Prince Edward

would be theologically described as related to the Queen of Spain in the *third* degree 'touching upon' or mixed with the *second*. They are cousins, but not first cousins—as Prince Edward and the Crown Prince of Spain are — nor yet second cousins, but cousins with one further 'remove' from the 'stock' on one side, or first cousins once removed.

How to calculate 'degrees.'

How are 'degrees' of kindred between two people to be reckoned? By referring, or tracing each back to the common stock in which their lines of descent meet, and then counting all the individuals along the line *except* the stock itself, or, if you will, by counting, not the individuals in the line, but all the marriages (lawful or not), *including* the 'stock' marriage. If the persons whose relationship is under examination be not related in *direct* line, but in the *collateral*, the descent of *each* must be traced to the 'stock.'

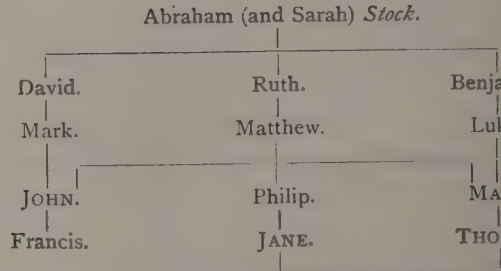
Practical plan.

Mary and John wish to marry, and think there may be need of dispensation on account of 'consanguinity.' Take a sheet of paper. Describe two small circles or dots side by side at a little distance from one another, representing Mary and John, beginning at the bottom of the page. Then put other circles vertically over M. and J. to represent their respective fathers, and above these other circles representing the grandfathers, and so on until a *common* ancestor is reached. Then count all the circles in one of the vertical series, *excepting* the circle standing for the common ancestor: that number will give the degrees of

relationship between Mary and John. Of course, the thing may not always be as simple as this. Apart from *unequal* descent, already explained, if intermarriage of relatives have occurred at some point between the parties to be traced and their common 'stock,' it may happen that Mary and John will be related twice or three times over: that is to say, their descent may be traceable backwards to the stock by various routes. In such cases the multiple relationship, if within the 'forbidden' degrees, would have to be stated when applying for a dispensation in view of marriage.

Example of *multiple* consanguinity.

The following diagram sets forth a case in point.



John and Mary are seen to be second cousins. They marry (lawfully) and have issue, Thomas. Now, Thomas wants to marry Jane, Philip's daughter—his third cousin (fourth degree). It will be noticed that Thomas is therefore related to Jane twice over—*i.e.*, both through their common descent, by four succeeding generations, from Abraham, and on account of the inter-

marriage of Thomas's parents, who were already collaterally related in the third degree (second cousins).

We have next to see to what *number* of degrees the forbiddance of the Church under the impediment extends. Extension of impediment.

(1) In *direct* line of descent—father, son, grandson—the impediment extends without any limit, and—as regards the first degree, at least—undoubtedly arises from the *natural* law, so as to bind all men, whether Christians or pagans.

(2) In the *collateral* line, consanguinity bars marriage down to the *fourth* degree *inclusive*, so that it hinders the marriage of third cousins. It is doubtful, however, whether even in the first degree (brother and sister) the impediment springs purely from the law of nature, owing to the fact that God willed the human race to be first propagated by marriage within this very degree. Needless to state, the Church never dispenses for such unions.

5. **Affinity**, or relationship created by marriage. What *affinity* is.

The root of this impediment lies in sexual union, whether in lawful or unlawful wedlock, though in the latter the impediment is less far-reaching. Affinity may be regarded as a sort of consanguinity that is produced, not by birth, but by marriage—by the union of man and wife 'in one flesh.' That union engrafts the wife into the family tree of the husband, and the husband into that of the wife. And just as regard for the common 'stock' renders matrimony improper between ordinary blood-relatives, so a like respect to the closeness of the

nuptial union sets up a similar barrier between either party to the marriage and the blood-relatives of the other party. Hence affinity establishes a cross-relationship between the man and the woman's relatives, and between the woman and the man's relatives. And, obviously, the impediment caused operates reciprocally, binding the relatives as much as the married parties.

Deceased wife's sister.

The most familiar example, perhaps, of this impediment in the first degree of the collateral line occurs in the case of a 'deceased wife's sister.' A widower cannot marry the sister of his late wife, and of course the same impediment binds a widow with reference to her late husband's brother.

English law.

The law of England, though it formerly maintained the Catholic tradition of Pre-Reformation times in this matter, of late years removed the impediment in favour of a *widower*, by a Bill passed in 1907, while it has left it binding upon the widow. This curious anomaly gives rise to an interesting legal problem—thus:

John and Henry, two brothers, respectively marry Mary and Jane, who are two sisters. John, the husband of Mary, dies, and so does Jane, the wife of Henry. Henry wants to take John's widow to wife. By the Bill of 1907, Henry, the surviving brother, may lawfully marry Mary, the surviving sister of his dead wife, Jane, and yet the same law does not allow Mary on *her* side to marry Henry, as being her dead husband's brother. Which way is the law to tell, in such a case?

Wiser action of the Church.

The Catholic Church, whom we acknowledge as alone competent to fix or remove impediments to the Sacrament of Matrimony, has, more consistently, always restrained widower and widow equally, though she claims to possess, and sometimes exercises, the power to dispense either the one or the other from the impediment of affinity, given adequate reasons. The 'Deceased Wife's Sister' Bill, of 1907, above referred to, introduced a fresh discord between the matrimonial laws of the land and Catholic Canon Law. It will not, of course, affect the *practice* of any Catholic deserving of the name. But it affords a good example of the inconveniences arising from unauthorized meddling on the State's part with spiritual affairs.[1]

A query.

We have referred to the disagreement between the law of the land and that of the Catholic Church, set up by the Bill of 1907. And it was the wish to prevent such clashing that caused a certain influential section of Catholics to oppose the measure to the last. But did real agreement previously exist? In the letter of the two laws, it did; in the application and working, it did not. For while the Catholic Church maintained the impediment, she was willing to waive it when great hardship would have resulted from its enforcement. But the State never dispenses. 'Nos habemus legem,' and there is the end. It makes laws, and in no case does it allow them to be inoperative. So that the original harmony between

[1] See Appendix II.

the English State and the Catholic Church was nominal rather than real.

Hardships of a hard-and-fast law.

There are instances—commoner, perhaps, among the working classes than among others—where the impossibility of a father of a young family marrying his deceased wife's sister would press hardly. Very often it will be the aunt on the wife's side who comes into the home to take charge of the motherless children. Hence, in 1907, Parliament, in order to redress such hardships, had almost necessarily to rush to the opposite extreme, and relieve all and sundry widowers from the impediment of affinity as towards the sisters of their deceased wives, without any discrimination.

The Church discriminates.

The Church, on the contrary, steers a more sensible course. While retaining the general law of impediment, she uses a wise discretion in dispensing from it when evils would follow from enforcing it.

How to trace affinity.

In order to decide whether, and in what degree, the impediment of affinity affects a pair contemplating marriage, one must trace their connection to its source—that is to say, to the particular nuptial union which is suspected to have created the affinity, just as in the case of blood-relationship we traced it to the common 'stock.' The other details explained in the previous impediment: viz., 'lines,' direct or collateral, and 'degrees,' etc., apply here equally, except that, in the case of affinity, a 'degree' stands for the unit of distance between the married couple (as if they were the 'stock'), and the blood-relations of the said couple.

So, too, in *counting* the degrees the couple itself giving rise to the affinity is not to be counted.

Extension of impediment.

Affinity, as an impediment, extends: (1) In the *direct* line, indefinitely—as in the previous impediment. (2) In the *collateral* line: (*a*) Where the couple in question are lawfully married, the impediment reaches as far as the *fourth* degree inclusive; (*b*) when not in lawful wedlock, only to the *second* degree inclusive. To give some examples of the working of this impediment to marriage. The father and son of the male half, or husband, stand in *direct* line of affinity towards the female half: the mother, and daughter of the female half, similarly, towards the male half. Brothers and sisters, nephews and nieces, male and female cousins, etc., are in the *collateral* line of affinity, respectively, as regards the female or the male party to the marriage which founds the affinity.

We are at present speaking of affinities from the sole point of view of a *contemplated marriage*. For, of course, there is the same affinity, for example, between a husband and his wife's *brother* as between him and his wife's *sister*, though there could be no question of marriage here, the sex being identical.

Affinity created after marriage.

Affinity within the forbidden degrees prevents valid marriage. But, though there be no affinity previous to the marriage, complications arise after it from immoral relations between one of the couple and the relatives of the other—the crime of *incest*. The marriage is not thereby annulled, of course; but the *freely* and *advertently* guilty

party can no longer claim conjugal rights; while the unoffending half may still claim them. The offender can have those rights restored by the Church upon repentance. The power to restore them is usually imparted to ordinary Confessors.

6. **Impediment of Public Decency.**

This impediment bears some analogy to that of affinity, but belongs to the *mental* order. It springs not from actual union of sexes, but from the union of *wills* or *hearts*. This mental union occurs in a valid betrothal, and also in the case of a marriage that has been contracted, but has not been 'consummated' by marital intercourse.[1] Its effect is to bar matrimony between either of the betrothed (or simply married) and the blood-relations of the other party to the betrothal (or uncompleted marriage).

Extension of 'public propriety.'

When the cause of the impediment is merely a *betrothal* (formal 'engagement'), the hindrance only extends to blood-relations in the *first* degree, whether in the direct or in the collateral line. Thus, if John and Mary have been betrothed according to the written form laid down in the New Legislation of Pius X. of 1907 (decree 'Ne Temere'), John could not marry instead Mary's mother, daughter, or sister. Mary, similarly, could not marry John's father, son, or brother. It is to be noticed that this impediment holds good even though the engagement with a relative

[1] This was the impediment from which Henry VIII. sought and obtained dispensation in order to marry Catherine, the wife of his deceased brother, Prince Arthur.

has been *legitimately broken off*. The reader will notice the difference in this respect between the present impediment and the impediment of previous espousals.[1] But when the impediment is created by a *marriage*, it extends further—*i.e.*, to the *fourth* degree inclusive, as in the case of *consanguinity*.

The impediment supposes true consent in marriage.

But since this impediment can only arise from consent of *wills*, it does not occur when there is an essential defect in that consent—say, when the girl has been driven into matrimony by severe parental coercion. Should the marriage be null from some other cause than defect in the *consent*, the impediment will remain in full force.

7. **Difference of religion.**

Not the same as case of 'mixed' marriage.

This impediment, as we have already noticed, is quite distinct from the ordinary case of 'mixed' marriage, or marriage between a Catholic and a (reputedly) *baptized* non-Catholic. For the latter kind of marriage—if it were unlawfully celebrated without the necessary dispensation before the Catholic parish priest, and before two witnesses—would be a *true marriage*, although sinfully contracted.[2] The present impediment, on the contrary, renders marriage absolutely *null and void* in all cases. The marriage here forbidden is that between a Catholic and an *unbaptized* person, whatever his religious views may be—*e.g.*, a Jew, a Japanese pagan, a Mohammedan, etc. Under this

[1] See p. 163.

[2] This sort of *valid* (but sinful) marriage can hardly occur now, since the decree 'Ne Temere,' except in Germany.

impediment, an *unbaptized* person means one who has never even gone through any ostensible form of baptism. For, in the case of matrimony, the Church does not scrutinize the *validity* of the baptismal rite performed, as she does strictly when about to *receive a convert* into her fold.

8. **Violence or fear.**

Loss of freedom.

When a person is forced into a marriage by violence, or is intimidated by threats, his or her consent lacks the essential property of *freedom*. But for establishing this impediment in a particular case *physical* violence is not needed — *e.g.*, actual blows, starvation, imprisonment, etc. So that for our present purpose *violence* and *fear* come practically to the same thing.

What sort of fear meant.

Yet not any sort of fear suffices to destroy freedom of consent. The following points, therefore, need to be borne in mind.

External and free agent.

(1) The fear instilled must come from some cause *external to the person* and from a *free agent*. Otherwise, for instance, a marriage contracted out of fear of poverty or disgrace would be null, whereas it is not. Or, let us suppose that a bride marries in order to have means of escape from her own country, where some epidemic is raging or earthquakes are of frequent occurrence. Such fears will not invalidate her nuptial consent, though they may increase her readiness to give it.

Fear must be relatively grievous.

(2) The fear aroused must either be grievous of its own nature, or at least grievous *relatively to the character of the person intimidated*. Not every alarm

would suffice. And if afterwards any question as to the validity of the marriage arose, the matter would have to be referred to ecclesiastical authority. It would have to be settled whether, taking the individual's temperament into consideration, the fear excited was calculated seriously to upset the balance of the person's mind.

Example. This might easily be the case with some timid girl who stood in great awe of her parents, and was forced into a hateful marriage by their strong insistence or importunate entreaties. Unless, however, such strong pressure could be clearly proved, the fear experienced would be judged insufficient for destroying the freedom of her nuptial consent.

Unjustly caused. (3) The fear, in order to hinder true marriage, must be *unjustly* instilled. Thus to threaten a libertine in high position with public exposure unless he does justice to the girl he has wronged by marrying her would not invalidate his consent. As a Spanish Bishop pointed out not long ago, true liberty consists not in doing exactly what one pleases, but in being allowed to do what one ought to desire.

Directed towards procuring marriage. (4) It is also the opinion of weighty theologians that for the fear to count as a true impediment the intimidation must be *directed expressly* towards bringing about the marriage. It is not enough that it should lead the person to seek escape from some evil by marrying. Balbina, for example, has a perfect terror of a stepmother, who makes her life at home intolerable. So Balbina seizes upon

an offer of marriage made by some odious old man as a blessed means of escaping from her place of torment. There is no impediment in such a case.

Already tied.

9. **The nuptial tie.**

From the indissoluble nature of matrimony, it follows necessarily that those who have contracted it are incapable of a fresh marriage as long as both parties are living.

Proof of partner's death.

But the point arises of the *supposed death* of husband or wife. What degree of certainty does a wife, for example, need as to her husband's having died while absent, in order that she may be justified in marrying again? The certainty must be complete. Mere probabilities will not suffice. Her conviction must rest upon convincing proofs, such as certified documents and public registers derived from the alleged place of death, or—failing these—on the clear, sworn testimony of reliable witnesses, who make these depositions from their own personal knowledge, have known the deceased, and agree in all material details as to the circumstances of the husband's death.

Church to be consulted.

No Catholic, however, will settle so grave a matter without recourse to a priest, who, if necessary, will consult the Bishop. Sometimes, where the proof of death seems doubtfully sufficient, the Holy See may have to be consulted.

Private discovery of invalid marriage.

Another possible case: John discovers *beyond all doubt* that he married Mary (who is still alive) while labouring under a 'diriment' impediment.

Can he proceed at once to a fresh marriage? Not if the marriage has been celebrated in a form recognized by the ecclesiastical courts—that is to say, not until those courts have examined into the case and recognized the plea for nullity to be good and valid. Of course, where there has been issue from the union, the interests of the children have to be considered, even when the union has been invalid.

10. **Defect of age.**

Ordinarily, for valid matrimony the bridegroom must be at least fourteen years of age, and the bride at least twelve. But, in view of present European customs, this prescription of Canon Law can hardly be of any practical application.

11. **Clandestinity, or lack of ecclesiastical publicity.** Purpose of this impediment.

According to the decrees of the Council of Trent, no marriage was to be held valid in conscience unless contracted *openly* under the sanction of the Church. The purpose of this enactment—fully justified by the sacramental character of Christian matrimony—was to prevent the evils attending secret unions: for example, the temptations to which married persons might be exposed if not publicly known to be such; the danger of their forming fresh and unlawful unions, and the ruin of family life that these would entail; the indecency of Christians taking so momentous a step in life and contracting such sacred ties without invoking the blessing of Christ's representatives on earth, etc., etc.

Decree of Trent not published everywhere.

But when, owing to the spread of Protestantism, a great mixture of religions ensued amongst Christian populations, the Holy See—to save greater evils—permitted the Tridentine decree against 'clandestinity' to remain unpublished in certain places. As a result, clandestine marriages remained *valid* in those parts, although, if celebrated without the intervention of the Catholic priest, they continued to be sinful in the *manner* of their celebration. Thus, the decree—known as 'Tametsi' (after its opening Latin word)—was duly published in Spain; in Ireland it was promulgated in those parts where Catholicism greatly predominated; in England and Scotland it was not promulgated at all. Exceptions were also made for other countries or portions of the same. As a result, more invalid marriages have been found by Rome to arise from clandestine celebrations than from almost any other cause.

Decree of Pius X.

But this divergence of practice as to the celebration of marriage, as well as certain other provisions of the Tridentine law, has quite recently been removed by Pius X. in the decree 'Ne Temere' of August 2, 1907, except in one point, and this for the German Empire only, on account of certain exceptional circumstances peculiar to that country.[1]

With this solitary exception, which had already been granted by Pius X. himself, in his brief 'Provida,' *all* marriages of Catholics in any part

[1] As before stated, this exemption applies only to German *natives* who marry *in Germany*. So two English people cannot evade the law by going over to Germany to get married.

of the globe, whether with Catholics or with non-Catholics, and even though, after being baptized in the Catholic Church, they have fallen away from the faith, are *null* and *void* before God, in conscience, and before the Church, *unless celebrated by the Catholic parish priest* (or the diocesan, or the appointed delegate of either) and *before two witnesses*.

Single *local* exemption.

To this rule, with the exception of 'mixed' marriages between Germans in Germany, there is no longer any *local* exemption.

But two exceptions, already referred to, are granted *universally*.

12. **Physical impediment**—viz., where *previous* to marriage the male is *perpetually* incapable of becoming a father. This impediment applies to the male only, as positive ecclesiastical decisions show.

Meaning of term.

13. **Abduction.**

The canonical term for this impediment—viz., 'raptus'—might be expected to correspond with the English law term 'rape' on etymological grounds; but it does not. It more nearly resembles 'abduction,' and means that the woman has been carried off violently (or has been enticed by fraud) to a place in which she is under the power of the man who seeks to marry her. If such a thing happen, the impediment remains in force until the abducted woman is removed beyond the power of the abductor. Even supposing that, *while yet in his power*, she *freely* elected to marry him, the marriage will still be null and void.

The abducted must be unwilling.

The impediment supposes that the abducted person is no party to the plot, but has been carried off against her will. Hence an 'elopement' to which a girl consents is not 'abduction' in the *canonical* sense, and induces no 'impediment.'

NOTE. It should be unnecessary to say that the plan of getting married both in the Catholic Church and before some non-Catholic minister is *grievously sinful*—though unfortunately not unknown. Previous to the passing of the Marriage Act and Registration Bill of 1836, under John Russell, no marriage was held valid unless celebrated in a Church of England place of worship. So Catholics (and Dissenters) were forced to go through the external form of marriage before an Anglican clergyman, viewed simply as an indispensable officer of the law. They withheld interior nuptial consent until the Catholic ceremony, as good Catholics now do in France, at the 'civil' marriage which has to be gone through at the 'Mairie' previous to the Catholic ceremony. In England, as the Registrar does his business *after* the Catholic rite, the parties have already given their nuptial consent by that time.

Notice to Registrar. — *No Catholic priest wishing to keep out of gaol, will bless a marriage without the attendance of the Registrar.* A few years since, a Bill was passed enabling Catholic priests (and Dissenting ministers) to register marriages themselves, under certain conditions. But as the Bill bristled with risks and inconveniences, our Episcopate has never accepted the gift. Persons giving notice of marriage to the Superintendent Registrar, *must have resided for seven days immediately preceding within his district: and a further twenty-one whole days must elapse before the marriage can take place*—except in case of marriage by licence, or 'special ("Archbishop's") licence.' For fuller details see 'Whitaker's Almanac' under 'Marriage before Registrar.'

N.B.—*It is the business of the parties intending marriage and not of the priest to arrange with the Registrar.*

No. XII.

MATRIMONIAL DISPENSATIONS.

How to proceed.

WHEN a dispensation is needed for contracting matrimony, application should, as a general rule, be made to the bishop of the diocese, either through the parish priest or confessor or else directly. This is only what right order seems to demand. For though, perhaps, the bishop himself may not be competent always to deal with the case without recourse to Rome, he is nevertheless the natural channel through which to work, unless there be some good reason to the contrary.

Special cases.

When, however, the impediment is of a secret and delicate nature, the business may need to be transacted for the applicants privately between the confessor and the proper Roman Congregation. In such a case the real names of the petitioners are suppressed in the petition sent to Rome, to avoid all risk of the parties being identified.

The Catholic right.

At the same time every child of the Church has an undoubted right to apply *direct* to Rome and present his petition personally to the Father of the Faithful, through the ecclesiastical courts which represent the Holy Father in the various departments of Church government.

Relative stringency of impediments.

In this connection, it may be well to give some idea as to the chances of securing dispensations in the case of particular impediments.

The Pope, who, as being the supreme legislator in the Church, possesses *in his own proper right* the power of dispensing from the laws of matrimony:

Not capable of dispensation.

1. Has no power to remove impediments created purely by the law of nature—*e.g.*, consanguinity in the direct line and in the first degree; nor from Impediment 11, nor from defect of consent, and from fear. Neither can he dispense from the enactments of positive Divine law—*e.g.*, from the nuptial tie (Impediment 8) so as to allow plurality of wives—though the Protestant Reformers had no such scruple in the case of Philip of Hesse.

Never dispensed.

2. In practice, the Holy See never dispenses from impediments which are even *doubtfully* based on the natural law—*e.g.*, *consanguinity* in the first degree of the collateral line (brother and sister), nor in the case of *abduction* (12).

Dispensed with difficulty.

3. It does dispense, though rarely, and for weighty reasons, from *clandestinity* (10); from *affinity* contracted in the first degree of the collateral line by sin; from *difference of religion* (7), and this more easily in foreign missions, where the faithful are few; also, very rarely, from ecclesiastical *celibacy* or *solemn religious profession*.

More easily dispensed.

4. It dispenses oftener and with less difficulty in the following cases: *Consanguinity* in the *second* degree of the collateral line, unless it touch upon the *first* degree through inequality of distance from

the common stock; *affinity*, except in the instance given above under No. 3; *public propriety*, and *spiritual relationship*.

Recognized grounds for dispensing.

We may now set down some samples of reasons which receive consideration when a dispensation is sought for.

1. *Limited choice*, owing to the contracted nature of the locality in which the person lives, and the consequent difficulty of meeting with a suitable partner. This reason evidently has greater force with the poor than with the rich, who have more opportunities of moving about and seeing different people. Nevertheless, it is treated in a very indulgent manner by the Church, in order that as much freedom of choice as possible may be secured.

2. *The woman's age.* When she has passed twenty-four years of age, the Church considers her matrimonial chances to be in jeopardy (this, however, would not hold equally in the case of a widow contemplating a second course of matrimony). The greater the woman's age, the more weight is attached to this plea for dispensation. Hence, in this proverbially delicate matter, 'honesty' in stating the age correctly 'is the best policy.'

3. *Lack of fortune.* As poverty diminishes the chances of getting married, it is a reasonable ground for seeking dispensation when an opportunity occurs.

4. *A widow's poverty.* Here the case mainly contemplated is that of a poor widow who can with

difficulty support her family. This may easily be the case when the family had depended for support upon the pay or earnings of the dead father, and at his death has nothing to count upon except some slender pension to which his widow may be entitled. Apart from family need, a widow would receive special consideration if still young, and living perhaps amidst dangerous surroundings.

5. *For making peace* — not merely between Princes or States, but between families. The feud is supposed to be of a more or less serious character. The strengthening of a reconciliation already brought about is also included under this head.

6. *Dangerous intimacy* or conditions of daily life, not easily to be avoided, except by matrimony.

7. *To save reputation*, and for legitimizing the offspring of an unlawful love.

8. *To rectify a marriage* which, though contracted in good faith, and celebrated in due ecclesiastical form, is found to have laboured under a nullifying impediment. The purpose of the dispensation would be to save the scandal of separation and the injury to the good name of the parties and of their children.

9. *To save* the alternative of *a 'mixed' marriage.*

10. *The deserts of the petitioner*, or of the petitioner's family—*e.g.*, if great services have been rendered to the cause of religion, whether by an exceptionally meritorious life or in other ways.

Application for dispensation.

Since a Catholic desirous of a matrimonial dispensation should consult ecclesiastical authorities

(or, if the case demand secrecy, a Confessor), and these will know the proper method of procedure, it will not be necessary here to set down minute directions for drawing up forms of petition.

Accurate and honest statement.

The most important point which concerns the applicant is that every dispensation of the sort is granted solely on the condition that the facts of the case, as set forth in the petition, are *truly stated*. Hence applicants must beware of erroneous statements or omissions, and still more of deliberate concealments, which may easily reduce the dispensation granted to the value of so much waste-paper.

Righting Defective Marriages.

Causes of nullity.

A marriage may be invalid from three kinds of causes.

Lack of consent.

1. *Defect in the nuptial consent* on the part of one or both of the contracting parties. This would occur, *e.g.*, when the consent was *feigned* or *extorted by fear*, or where there was a *substantial error* in the contract, or where the consent was conditional and the condition had not been verified. The obvious remedy in this case is that the party or parties aware of the defect should now supply anew what was previously wanting—viz., matrimonial consent.

Clandestinity.

2. Neglect of the form of marriage prescribed by the Church—*i.e.*, clandestine marriage. It has been seen that every Catholic must marry before the Catholic parish priest and two wit-

nesses. Otherwise there will be no true marriage at all.

Example from 'mixed' marriage.

This defect is more likely to occur in the case of a 'mixed' marriage—*i.e.*, between a Catholic and a *reputedly baptized* non-Catholic.

How rectified.

In order to rectify this union and make it a real marriage before God and in conscience, the prescribed form must be supplied—that is to say, the parties must appear before the Catholic parish priest and two witnesses. Should one or other of the pair absolutely decline to do this, it might still be possible to persuade the person to appear by proxy.

If *one* of the parties be willing to appear, while the other obstinately refuses, there is still a last resource—namely, the 'Radical Healing,' to be referred to presently. But if *both* parties prove obstinate, there is nothing to be done but to hope that they may think better of it later. For although, even where both man and woman are recalcitrant, the Holy See could absolutely apply the 'Radical Healing,' it is not likely to do so.

Consent must persevere.

Of course, it is supposed that when a couple supply the defect of ecclesiastical form by subsequently appearing before the parish priest and witnesses, they have never retracted the matrimonial consent which they originally gave: otherwise they would have to renew it before the priest.

N.B.—Publicity not essential for rectification.

It is important to notice—for the sake of *rectifying invalid 'mixed' marriages* that have been entered upon without the intervention of the

parish priest—that where the fact of this omission is not known publicly the Church form can be supplied *privately*, and before trusty witnesses pledged to secrecy, so as to save the good name of the couple. And even when the invalidity of the 'mixed' union is common knowledge and a public scandal, it is still within the Bishop's power to allow the appearance before the parish priest and witnesses to be conducted quite secretly,[1] provided the scandal hitherto created by the unlawful union be otherwise repaired—as it could easily be by the *open* return of the Catholic party to the use of the Sacraments, and the public extension of signs of favour to him (or to her) by the local clergy. This concession may prove invaluable, for example, where a non-Catholic husband has insuperable objections to going through a religious ceremony in a Catholic church, but is otherwise willing to satisfy the conscience of his Catholic wife, and to right her in the eyes of her Catholic friends and neighbours.[2]

3. *Disqualification for valid matrimony*, which attaches to those who labour under some (diriment) impediment which renders their consent at the time of marriage ineffective for purposes of matrimony.

Suffice it to say that such disqualification is removable by the grant of a dispensation from the

[1] See an Instruction of Cardinal Caprara, as Papal Legate in France, dated April 25, 1803.

[2] See Appendix III. for reply to an objection.

impediment in question—unless the latter be of a kind from which the Holy See is powerless or unwilling to dispense.

Two kinds of remedy for invalid unions.

There are two forms of remedy in these cases—(1) Ordinary Dispensation, by a grant; (2) 'Radical Healing' of the marriage.

In giving an Ordinary Dispensation, the Church treats the past life of the couple as non-matrimonial, and proceeds to relieve them of the nullifying effect which the impediment exercised upon their consent when they purported to contract marriage.

Different effect of 'radical' remedy.

On the contrary, in applying a 'Radical Healing'—and by what is known as a 'legal fiction'—she treats the union as if it had been valid from the very outset—both as regards the couple and their children also. This mode of healing can be applied by the Church without the knowledge of the couple and without their even knowing that their marriage was defective, and, consequently, without their renewing consent. In the other kind of remedy — Ordinary Dispensation — the Church usually requires that both parties be aware of the flaw, and that they renew in some form or other their nuptial consent.

Perseverance of consent.

Obviously, the 'Radical' remedy would be wholly futile if by any chance the parties had withdrawn their original consent to become man and wife for good. Thus, for example, if a husband alone discovered that his marriage was null, owing to an impediment, and thereupon determined to break the union and seek other

nuptials, a 'Radical Healing' would have no effect, since matrimonial consent had ceased to exist. Only the parties themselves to a marriage can supply a defect of consent; the Church, of course, cannot.

The above explanation of the means used for rectifying invalid marriages is very summary. A fuller discussion would introduce many nice points which lie beyond the scope of the present 'Letters.'

No. XIII.

MATRIMONIAL DUTY.

Matrimony lawful;

THE employment of the physical means by which God has ordained that children shall be begotten—according to His command 'Increase and multiply'—is, needless to say, perfectly lawful and, in itself, free from all shadow of sin.

But an imperfect state.

The mere fact that this legitimate indulgence of concupiscence is less favourable to the pursuit of higher spiritual standards only shows what we know already from the teaching of St. Paul and of the Catholic Church—that married life, albeit sanctified by a sacramental outpouring of the Precious Blood, is a state of lesser spiritual perfection.

Many holy persons in it.

At the same time there are many very holy souls belonging to the state of matrimony. We must say more. The names of a goodly number of married people are to be found on the list of the Saints whom we honour upon our altars. And it would be bad history to claim, in most of these cases, either that the couples agreed to live in chastity or that the process of higher perfection began only after the death of one of the pair. Thus we have such examples as St. Joachim

and St. Anne, the parents of Our Blessed Lady; SS. Zachary and Elizabeth, the parents of St. John the Baptist; St. Pulcheria, Empress; St. Bridget of Sweden; St. Frances of Rome; St. Margaret, Queen of Scotland; the two Saints Elizabeth—of Hungary and of Portugal; St. Henry II. of Germany, and his wife, St. Cunegunda; St. Alphonsus Rodriguez, the Jesuit lay-brother. Yet the number of those whom we know to have followed the higher paths of the spiritual life while living in matrimony is not so large as to prevent our regarding perfection in that state rather as the exception than as the rule.

A contrast.

What makes the religious state the state for acquiring perfection is not so much the fact that many more people perfect themselves in it, as that it removes the chief obstacles which make holiness so much more difficult in the world.

A sophism.

It might be said—and it is said—that if this be so, it is more perfect to remain in the world, since the practice of virtue in the face of greater difficulties is far more meritorious. That, however, is a fallacy, under the cloak of heroism. For there is no particular merit in keeping the difficulties if these can be got rid of. A general is not to be praised for reaching his objective by the most impeded route, if an easier and safer one be open to him. If he be *forced* to fight through great obstacles, then only will his merit be greater, though the *success*—which forms his rational aim—may be by no means as complete as it would

have been had a less arduous line of march been available.

But to return to the main point.

God's plan: a remedy for sensuality.

Just as God has so ordered human nature as to attach gratification to the process of eating and drinking, that men may be induced to use the necessary means for maintaining life, so has He acted in a similar way in ordaining the means for the multiplication of the human race. And since not all men and women have the call, or the moral strength, wholly to deny themselves the indulgence of sexual pleasure, matrimony—amongst its other ends—is designed by God to relieve the strain of perfect continence. Hence, the mere fact that there may be no human hope of children will not deprive the use of marriage of its lawfulness. Nevertheless, those who take advantage of the privilege are bound under gravest sin to use it after a manner which is not, on the face of it, essentially incompatible with its *chief* and natural end—viz., the begetting of children.

Liable to abuse.

While this remedy for natural weakness is lawful, passion may get the upper hand of reason in its use. It may, therefore, be useful, while avoiding all inadvisable details, to give some general principles which may serve as a standard of right and wrong in this matter.

General rules.

The following general rules, which are all that it is desirable to give, will be found upon consideration to be fairly comprehensive:

1. No attending circumstance whatever can render the exercise of the matrimonial duty

mortally sinful, unless it prevent the natural execution of the husband's part as ordered by nature *towards maternity*, or unless, on the wife's side, the circumstance be *voluntarily* introduced by her, and it *necessarily* hinder maternity.

2. Those things which, except a couple were true man and wife, would be *mortal* sins against the Sixth or Ninth Commandments, will never be *mortal* (and will not easily be *venial* sins) in the case of either of them, if directed towards, or conducive to, the due accomplishment of the matrimonial duty, or be employed for fostering mutual attachment, and not for independent personal gratification.

Venial abuses.

As regards lighter offences, the use of matrimony is very liable to venial offences akin to gluttony in eating and drinking—*i.e.*, eating and drinking *exclusively* for the sake of pleasure to the palate, and not for the rational purpose assigned to such functions—viz., the preservation and development of life.

Matrimonial holiness.

The obvious application of this principle of temperance to our present subject, opens out a large field for the practice of nuptial holiness, to those who laudably propose to themselves a higher aim than the mere avoidance of grievous sin.

A blot on our age.

Under Rule 1, those stand convicted of a heinous crime against nature—that is to say, against the law of God implanted in the nature of man—who, while taking for themselves the full sensual indulgence which matrimony affords them, nevertheless refuse to incur its paternal or maternal

burdens.[1] That terrible nation-destroying feature of our modern society, the ominous falling off of the birth-rate, out of all proportion to any diminution of marriages that may occur, makes it imperative to refer clearly to this iniquity, and to speak of it in terms of strongest reprobation. It degrades man *beneath* the level of brute beasts. Wives, therefore, have a *grave* duty to beware of passing over without *any* protest, or of seeming to approve, and still more of provoking or encouraging, for selfish and worldly motives, the lustful middle course between continence and maternity. Provided they avoid this connivance at sin, no guilt will attach to them, in the use of *their* rights, for the vices of their partners. Would, however, that husbands were the only deliberate offenders!

Nuptial rights.

By the contract of marriage, each half transfers to the other equal rights in the present matter. That mutual surrender of themselves forms, as we have seen, the 'matter' of the Sacrament of Matrimony. Here, certainly, the sexes stand on a footing of equality. A 'Suffragette' agitation in this particular direction would be of more substantial benefit to human society than some other

[1] England and Wales are fast following in the footsteps of France in the lowering of the birth-rate. The proportion of births amongst us to every 1,000 inhabitants has been dwindling ever since it reached its highest in 1876, which was then 36·4 per 1,000. For 1907 it has fallen as low as 26·3 per 1,000, and this is the heaviest fall that has been experienced. Though there may be other contributory causes, little doubt can be entertained as to the relevancy of these statistics to our text.

forms of present female obtrusiveness and noise. Under normal circumstances, the husband possesses no *authoritative discretion* in this matter. Each half, consequently, can claim nuptial rights from the other equally, and the claim cannot be refused without grievous sin—*i.e.*, if urged reasonably, and there be no just cause, such as really serious inconvenience, *not contemplated by the very institution of marriage*, to excuse refusal. 'Defrauding one another'—to use St. Paul's phrase—is usually a *mortal* sin, though not necessarily so in each individual instance. The Apostle's words deserve notice: 'Defraud not one another, except perhaps by consent, for a time, that you may give yourselves to prayer, and return together again, lest Satan tempt you to incontinency.'[1]

Mutual charity.

In this matter, charity to one another's souls, which is a Christian duty, and no mere counsel of perfection, demands that married persons should have compassion for one another's human weakness, and avoid becoming a stumbling-block to each other by churlishness and selfishness, instead of being helps to a virtuous married life. That 'perhaps by consent, for a time,' of St. Paul expresses due hesitation out of regard for the frailty of the flesh, which is very great.

A pious delusion.

It may not be amiss to add, in view of a certain type of pious persons, that it is a very spurious, short-sighted, and occasionally disastrous, sort of asceticism for man or wife to demur to the *lawful* exercise of nuptial freedom on the part of the

[1] 1 Cor. vii. 5.

other half, on the plea of greater chastity. This should have been thought of earlier. Once marriage has been contracted without any mutual reservations, there can be no greater perfection in evading its plain duties. Indeed, given a really good and well-instructed Catholic husband, one might safely say to a young wife, however rightly solicitous for virtue, 'Do as your husband bids you.'

Cohabitation.

From the above matrimonial rights there ensues the correlative duty of *common residence* in the same place. But this obligation does not bind husband and wife in exactly the same way. Since the wife is, by *Divine law*, subject to her husband,[1] she should ordinarily follow him in any change of residence, whether there be some cogent reason for the change or not, unless some agreement on the point was made previous to marriage, or the profession of the husband of itself implied periods of separation, or else the change be made for evil purposes, such as the wife cannot be obliged to abet; or, again, if there be *well-grounded* fears that the change proposed will *seriously* injure her health. Yet, if the husband have good reasons for altering his place of residence—say because his business or work is declining where he lives—then it will be a case of prudently weighing the husband's need to move, against the prejudice to her health if she accompanied him, and of choosing the lesser evil of the two.

A vagabond husband.

A wife, however, is not bound to follow a per-

[1] Ephes. v. 24.

petually wandering husband unless this weakness of his was well known to her previous to marriage; for in that case she would virtually have accepted the situation. It would be different if real necessity, duties, or the nature of the husband's occupations involved frequent change of abode. If, however, the husband goes away for a short period only, his wife is not obliged to attend him, but only if the absence will be a long one, and his journey be undertaken for a legitimate purpose.

A gadding wife.

The husband, on the other side, though bound to give his wife her rights, is not on that account obliged to follow her like a poodle in all her marvellous wanderings. The amount of gadding about from place to place accomplished by some women in these motoring days is incredible, and serves to establish the sweet reasonableness of what we have just stated as to the limits of her lord's obligation; for, by the revealed law of God, he is not tied to his wife as a subject, while she certainly is, and hence he is only bound not to deprive her of her conjugal privileges, except she give reasonable cause. In the present state of fashionable society the wife constantly, and, one must admit, very cheerfully, deprives herself.

Source of nuptial abuses.

There can be little doubt that in our time great abuses of matrimonial life are exceedingly rife, and quite as much, if not more, on the female side. This is partly the result of 'emancipation' ideas.

If one were asked to sum up the causes of such irregularities, they might, perhaps, be set down as twofold.

Worship of divine self.

1. The effacement in men's minds of the meaning of *sin*. Men who should be Christians are losing the elementary notions that man is *a mere creature* of God's hand, utterly dependent, and wholly responsible to Him by nature, subject to His will in the use of his life and faculties. Hence the idea that sin is essentially an offence *against God*, and not simply an interference with man's health, pleasure, and pecuniary advantage, or rights, is ceasing to count for anything with a large number of so-called Christian men and women. The unholy will of man is replacing the Holy Will of his Maker and Judge. Consequently, both sexes deem themselves at liberty to treat the Divine ordinance of matrimony in whatever fashion suits them best, forgetting that they are stewards, and not irresponsible masters, of their life and conduct: 'I am *nothing*, and I knew it not.'[1]

The Cross effaced.

2. Another cause is forgetfulness of the Gospel of Christ Crucified. Nowadays self-denial or trouble is on no account to be faced, if by any means, fair or foul, it may be evaded. 'He who would come after Me must take up his cross' is a word addressed to Christians, but held in ever-dwindling honour. On the contrary, a new commandment has practically superseded those of Christ: 'Thou shalt do whatever thou findest most agreeable, and do nothing that troubles or bores thee.' The 'whole law and the prophets'—for that considerable section of men and women

[1] Ps. lxxii.

who have become slaves of their concupiscences and fitful impulses—is comprised in 'putting up with nothing.' Hence, just as the child who has been chastised by a parent throws himself under an express train, and the scolded servant-maid seeks to end her woes by walking into the sea,[1] so the no longer fascinated husband takes up with another woman, and abandons his wife; or, what is quite as common, the wife yielding to 'nerves' and incompatibility of temperament, which is often not distinguishable from the uncontrolled temper of a spoilt child, seeks a fresh lover; or again, short of that, the husband and wife take the sensual privileges of matrimony, but refuse its burdens, which hamper their convenience or limit their expenditure upon amusements and dress.

Wanted badly: 1d. Catechism.

Surely no truth of our Catechism needs to be more constantly drummed into children and parents of to-day than this: 'Our natural inclinations are prone to evil from our very childhood; and if not arrested by *self-denial*, will certainly carry us to hell.' Unfortunately for future nuptial happiness, so many children are brought up anyhow, except in what concerns their comfort and *physical* culture. The rod is spared without any discrimination between different characters, and the spoilt, excitement-seeking child develops into the selfish, pleasure-hunting man or wife.

Reaping the whirlwind.

Nowadays children may hardly even be found fault with, without their ascribing the blame merely

[1] Both are facts.

to unkindness or to a passing fit of ill-humour on the part of their parents or mistresses. As a consequence, we are sowing a plentiful crop of self-seeking, gad-about wives and mothers, and of self-seeking and inconsiderate husbands and fathers.

The only remedy.

The principles of the Gospel of Christ are sadly at a discount, and the only remedy for this evil—as it is also the only solution of so many pressing social problems of the hour—is to *re-Christianize* men and women by preaching the Cross and the spirit of self-sacrifice, in season and out of it.

No. XIV.

SEPARATION.

THE reference is not to *dissolution* of the marriage-bond, for Christian matrimony, once consummated, is incapable of any. Short, however, of severing the bond of marriage (*divortium a vinculo*), just cause may arise for the denial of marriage rights, and even cohabitation, by either husband or wife.

Recourse to ecclesiastical courts.

Cases for *separation* are intended to be dealt with by duly constituted ecclesiastical courts. But, since people sometimes settle such matters on their own account, it will be useful to gather from the practice of our ecclesiastical tribunals what causes suffice to justify a *separation*.

Causes for perpetual separation.

Some reasons justify *perpetual* separation—*e.g.*, extreme infidelity to nuptial vows on the part of either half—that is to say, the consummation of adultery. This is, in fact, the weightiest of all causes, and, *morally* speaking, not less grave when the offender is the husband. For the promise of *mutual* fidelity, made before God at marriage, binds each with equal strictness. Minor or partial moral improprieties do not suffice to establish a case for separation, unless these constitute in the actual circumstances a proof of complete guilt.

Exceptions.

This plea for separation, nevertheless, fails if: (1) the other half has been equally unfaithful; (2) if the aggrieved half has pardoned the offence, either expressly or else equivalently by once more extending to the offender external signs of conjugal affection; (3) if the offence be not *certain*, but only suspected, and the evidence be not strong enough to create conviction of full guilt in prudent minds.

Church separates where State 'divorces.'

It is to be noticed that these points, taken from Catholic Canon Law and Theology, agree in almost every detail with the practice of English Divorce Courts, with this *important difference*—that English law now allows as reasons for *total divorce* what the Church only admits as reasons for *separation*.

Doubtful reasons.

Authors of repute disagree as to whether a lapse into heresy or into apostasy (*total* rejection of Christianity), supplies the faithful half with an adequate reason for separation. At all events, if separation were made on this ground privately, repentance on the culprit's part would oblige to reunion.

Separation for a time.

Temporary separation would be justified on such grounds as these:

1. *Peril of soul*, as when one party constantly incites the other to grave sin—*e.g.*, to the adoption of a false religion or to immoral living, or breaks the promises made when contracting a 'mixed' marriage under dispensation. For instance, if the non-Catholic husband interferes seriously with the wife's religion, or refuses to allow *all* the children

to be brought up as Catholics. (This plea for separation, however, would not be recognized by English law, which leaves the determining of the children's religion to the father.) Nevertheless, the Catholic wife would not be *obliged* to separate in such cases, unless the husband's conduct created a *proximate* occasion of grievous sin, which could not be removed by taking certain precautions, or —in the case of a 'mixed' marriage— unless *serious* detriment to her faith or that of her children were reasonably to be feared.

2. *Fear of physical violence or moral cruelty*, the seriousness of which has to be judged by the manners and customs prevailing in the class to which the party belongs. Brutality of treatment which a coster-wife might think little of, or take as frolic, would prove intolerable to a woman of refinement and gentle birth. So, too, fear of contagion, or of living with a mad husband or wife, would form a just cause of separation.

3. *An intolerable life*, when, owing to ungovernable temper or stirring of discord on one side, life together becomes unbearable. We say on *one* side: for there is much wisdom in the maxim that, as a rule, 'it takes *two* to make a quarrel.' A flint will not be able to strike sparks out of a piece of cotton-wool. And often, in domestic 'shindies,' it is a case of the pot calling the kettle black. If separations were to be effected whenever *one* of the parties *says* that the fault is wholly on the other side, their number would be fabulous indeed!

Separation on private authority.

It has already been observed that causes for separation are supposed to be submitted to ecclesiastical judgment. But theologians admit that adultery, if clearly proved in the judgment of the aggrieved half, affords just ground for separating *on private authority*—as regards the denial of matrimonial rights; or when the offence is not publicly known; and as regards cohabitation, also, when the offence is public, and no additional scandal, consequently, will be caused by visible separation. There is also respectable theological authority for separation on private authority in the case of a lapse into heresy or apostasy.

Yet in all doubtful cases the *maintenance of union* is the thing to strive for rather than separation.

P.S.—Dissolution of Non-Christian Marriage.

Are marriages between pagans dissoluble?

For completeness' sake, a few remarks may be added upon this subject.

As long as two unbaptized persons remain such, their matrimonial union is incapable of being severed, although no more than a natural human contract. For Almighty God has nowhere empowered the State to separate what He 'hath joined together.' Neither has the Pope any jurisdiction over those who have not been made subjects of the Catholic Church by Baptism. Let us suppose now that one of the pair becomes a Christian and is baptized. The union still remains intact, unless the unbelieving partner, to use

St. Paul's expression, 'departs.'[1] This expression is interpreted authoritatively by the Church as meaning that the unbeliever refuses to live with the Christian partner, or else will not live peaceably from the religious point of view, nor, as the phrase is, will cohabit without insult to the Creator. When the non-Christian thus 'departs,' the bond of union is not, indeed, there and then dissolved; but the Christian is free to seek fresh nuptials, and upon these being validly contracted, the former matrimonial tie is thereupon destroyed. Such is the instruction given by the Holy Office, July 11, 1868. Of course, this liberty granted to the Christian convert, and known technically as the 'Pauline privilege,' does not avail him (or her) for a fresh marriage with *another unbeliever*. For here the 'diriment' impediment—'Difference of Religion'—would stand in the way, and in such circumstances Rome is not wont to dispense from it.

[1] 1 Cor. vii. 15.

No. XV.

PREPARATION FOR MATRIMONY.

ALLUSION has already been made to the prudence and supernatural views of this life which should prevail in the counsels of those contemplating marriage. Here we refer only to the immediate preparation for receiving that Sacrament of Christ.

The chief outfit overlooked.

While the streets are being paced to and fro, and shops excitedly ransacked to provide the *trousseau* that is to deck out the bride; while each parcels post brings fresh trinkets and knick-knacks from kind well-wishers; while the planning of the ceremony and its festive accessories is occupying so much thought and time, there is no small risk lest the adornment of the *soul* fail to receive merited attention.

Worldly views of weddings.

The world's naturalistic view of weddings is apt to infect the minds of Catholics and draw off their attention from the truth that they are about to receive one of Our Lord's most important Sacraments.

Confession and Communion recommended.

One would be distinctly saddened to meet with a Catholic bride and bridegroom who did not dispose themselves, who did not encourage each other to dispose themselves, by Confession and

Communion, or, if Confession were not necessary, at least by communicating expressly for the wedding, and as near to it as could be.

Matrimony a Sacrament 'of the living.'

We cannot go so far as to say that there is an obligation to do this. What is of *strict* obligation is that they receive Holy Matrimony in the *state of grace—i.e.*, free from conscious *mortal* sin. Otherwise its reception is a sacrilegious one; for Matrimony is one of the Sacraments 'of the living,' and supposes the candidate for it to be already spiritually 'alive' by being in possession of grace.

It may be said that an Act of Contrition will secure this much. Yes, *if* it be an act based on the pure love of God, for His own sake and above all things. At the time of marriage, however, the love that is apt to be most in the ascendant is not Divine at all—though poetically called such—and it may lead human weakness into excesses which, under the peculiar circumstances, it may be difficult to repent of, at all events, from this *highest motive*. Hence the extreme desirability of receiving the Sacraments for the occasion, the day *before* the marriage being perhaps the most favourable opportunity.

The non-Catholic party in a 'mixed' marriage.

In the case of a 'mixed' marriage, in which the baptized non-Catholic half receives the Sacrament of Matrimony, whether he believes in it or not, it is to be hoped that the Catholic half will seek a suitable opportunity for persuading the non-Catholic half to kneel down and join in an act of sorrow for past sins, or what is equivalent to it, as

the best substitute for Confession. The Psalm 'Miserere' (Catholic, 51st Psalm; Protestant, 52nd Psalm) might be an acceptable form of prayer. This endeavour on the Catholic's part will be a sign of the sincerity with which he or she has promised to promote the spiritual interest of the non-Catholic partner.[1]

The wedding Mass.

Do Catholics avail themselves as much as they might of the special Mass for the bride and bridegroom at their weddings? In the case of the poor, several causes may combine to prevent their celebrating marriage with full Catholic solemnity. But one regrets to see others, who are more favourably circumstanced, so generally contenting themselves with the bare Marriage Service.

Yet, whether the nuptial Mass be held or not, the Church allows the special blessing of the bride to be administered—which would otherwise be given during the Mass itself, except in a 'mixed' marriage, or when the bride is a widow, if she has already received it at a previous marriage.

Hints for wedding.

Let me add a few practical hints for the marriage ceremony: (1) Be punctual (this for the bride especially). (2) Let the bride remove her gloves before she approaches the altar, to save delay during the ceremony. (3) Let the bridegroom have ready at hand *from the commencement* the ring and a piece of gold and of silver.

[1] See p. 179, No. 3.

No. XVI.

A MARRIAGE ADDRESS.

My dear Friends,—So I will address you, since I can no longer style you bride and bridegroom: for Christ, Our Lord, the Lover of human souls, the Great Regenerator of family life and of human society, has poured out upon your mutual pledges at His altar a fresh stream of His Precious Blood to cement and sanctify the bond by which you are now made Christian man and Christian wife until death shall part you.

On the bosom of that blood-red tide, springing from the Saviour's fountains, great and wondrous gifts of grace have been borne into your souls, to endow you with virtues befitting Christian spouses, and, if God shall please, Christian parents, too. But by what channel has this tide of heavenly grace flowed in upon you? How comes this Sacrament of Matrimony to be the vehicle of such great blessings as to be called by the Apostle 'a great Sacrament,' or mystery? You know the explanation from your Bible. It is because of what Christian marriage signifies: it is because your wedding is the revealed image of a union far more sacred than that decreed by God in the beginning of the world—namely, the moral, the mystical union of Jesus Christ

with His spotless Bride, the One Holy Catholic Church, the fruitful mother of countless spiritual children. 'This is a great Sacrament,' writes St. Paul, 'I say, in Christ and His Church . . .' 'The husband is the head of the wife, as Christ is the Head of the Church.'

Ah! never forget it, dear friends. Remember it all your days. Your marriage is fashioned upon no less sublime and holy a model than the mystic union of Christ with His 'Spouse of Blood,' the Church: 'For Christ delivered Himself up' for the Church when shedding His Blood on Calvary, 'that He might sanctify it . . . that He might present it to Himself a glorious Church, not having spot, or wrinkle, or any such thing; but that it might be holy and without blemish.' 'Husbands, love your wives as Christ also loved the Church.' See, then, how a man should cherish his wife, and how spotless should be her life. Remember, then, the sacredness of this your union till death do you part. Remember it in middle life, when the attractions of this world of concupiscence would entice you into passionate treason to your consecrated loves. Remember it when, please God, you shall see your children's children smiling around you, and advancing age has brought grey hairs and faded charms, and when nothing will wear well except a love based chiefly upon an intimate union of souls, rather than upon the fleeting delights of sense; a love in which the spiritual, and not the animal, portion of our being has been predominant.

But there are more wonders yet in this Divinely-given comparison. Christ's Bride, the Church, is *one*, and one only—one Holy Catholic and Apostolic Church, as the Christian constantly professes. So, in Christian marriage, the choice of a partner is restricted to one for a lifetime. Christ has promised that the bond which unites Him to the Church shall not be sundered ever. 'Lo! I am with you all days, even to the consummation of the world.' Neither can the bond of perfected Christian matrimony be ever rent. No power on earth can, and no power in Heaven will, dissolve 'what God hath joined together.' Death alone can do that.

Once more. The Church, in her institution, is holy—holy in her teaching, when understood and not misrepresented by ignorance or malice; holy, too, in the abundant aids to holiness which she offers to her children; holy in the heroic sanctity of life and martyrdom for the Name of Jesus of innumerable sons and daughters—the Saints whom we honour on our altars. And yet not all her children take the means to become holy. Too many, alas! fall shamefully below the standard of living which the Catholic Faith proposes and facilitates, and such unworthy children of the Church scandalize the world by their evil example. Yet not all these blemishes in the offspring can cool the love or exhaust the patience of the Divine Bridegroom's Sacred Heart. In spite of all He stands, ever faithful, by His Bride, 'for better or for worse.' Her honour is His: He and she are

morally one. Has He not said: 'He that despiseth you despiseth Me'?

What a precious lesson for married life is here! To bear and to forbear; to have compassion for those human frailties which beset husbands, wives, and children alike; to have patience with one another's faults, and to support one another unselfishly in dark and suffering hours. To-day it is the husband whose affairs are going awry, or who is out of work, and he looks with anxiety towards the future. To-morrow it will be the wife and mother who is troubled and despondent, with health and strength, perhaps, impaired by domestic or maternal responsibilities.

Be with each other all days, dear children, supporting one another's loads, encouraging one another to seek hope and courage in 'the prayer of God,' Mass, and the Holy Sacraments, and not in reckless dissipation, where you will never find solid comfort.

Let the husband pour out his tenderness upon the frailer nature, that she may never be tempted, and never need, to seek for sympathy and affection outside the devoted heart of the man whom God has given her. Let the wife, too, strive to soothe lovingly her husband's labours and cares, be thoughtful for the bread-winner, devoted to her home and to its good order and its comforts, rather than to the gratification of sloth or vanity, or the quest for pleasurable excitements. Then will 'home' have a meaning, then will it be to the man a welcome place of refuge, the point to which

the compass of his heart will turn instinctively in times of trouble and anxiety.

You tell me, perhaps, that all this is good, very good—*too* good, in fact, and beyond human attainment; that it demands much self-denial, self-control, and supposes so much Divine grace. It does, and well did Our Lord know it—He Who knows 'what is in man,' and also what there cannot be without His necessary help. Just for this very reason did He raise Matrimony to the dignity of a Sacrament, that, by means of the grace which it contained, it might equip the bride and bridegroom with potent nuptial and parental graces.

But bear this in mind: No grace avails unless the free will of man co-operate with it. The gifts of grace wherewith Christ adorns and elevates the marriage contract have in very truth sunk deep into your souls to-day. But they are like some seed, full, indeed, of vital force, yet needing to be fostered, cultivated by your own acts, in order that it may grow into the fair and fragrant flower of married peace and holiness, and fill the air with the sweet odour of edification to all around. If each successive Christian bridal pair would only realize how very much they can do to purify our human society by merely *living* a truly Christian life! For what is society but the aggregate of family units? If the family be Christian, Christian too will society become.

One means of securing this happy result stands out before all others for its efficacy—a constant

and, if the external circumstances of life permit, a daily reception of the Bread of Life in Holy Communion, so ardently desired by the Vicar of Christ for all the faithful, the married not excepted. Nay, Our Holy Father mentions married persons with special emphasis in his decree on Frequent and Daily Communion. Real and constant union with Our Divine Lord in the Holy Eucharist cannot but tighten, hallow, sweeten the bond that subsists between you. In the Eucharistic Heart of the Divine Jesus your hearts will find a constant strengthening in loving union; they will become penetrated and softened by the fire of its common charity for both of you, and will be gradually welded into a perfect unity. The same mind will be in you as was in Christ Jesus, and hence your own minds will become as one. You will think and desire, and not think and not desire, in ever-growing harmony. You are already 'two in one flesh,' and you will become two happy hearts in One—that is, in that Divine Heart which is the Centre of all hearts.

It is not Christ's matrimonial institution in itself that turns many a home to-day into a house of discord, a den of vice, a living hell. Only worldly, selfish aims; only lack of restraint upon those evil passions which lurk in all of us, can make marriage a real failure. Sorrow and trouble cannot; for, sacramental grace, and correspondence with it, will convert these reputed evils into so many fresh links of intense mutual attachment, so many stepping-stones to the shores of Heaven.

Even the bitter separations wrought by death will not blight the happiness of married life; for, the Eucharist is like a germ of immortality sown in the earth of our bodily corruption, the pledge of that future glory, where those whom we have loved in truth and holiness on earth will once more be reunited to us, never again to be parted. In the all-blissful and unfading vision of the Divine Bridegroom, at the nuptial feast of the Lamb, will at length be realized, and indefinitely surpassed, all those fond dreams of earthly happiness which excite our hopes here below, but which can only be abundantly fulfilled in Heaven. That you may so live your lives together as to help, and never hinder, each other upon the journey to that land of endless love and happiness, is a blessing which I heartily wish you both. In the Name of the Father, and of the Son, and of the Holy Ghost. Amen.

APPENDICES.

I.

THE ISOLATION OF ANGLICANISM.

In the Established Church of England there is always a certain consciousness, or subconsciousness, of religious isolation in the midst of Christendom. Its nationalism may at times form the subject of self-satisfied boasting, and a Protestant Englishman may proudly regard the National Church as part and parcel of that great British Constitution, which he deems to be without an equal in the world.

But Anglicans of the more thoughtful type, who cling, nevertheless, to the preposterous 'branch theory' of Catholic unity, can hardly fail to feel, in their reflective moments, that the lack of all practical religious fellowship with Rome and with the Greek Church, and the refusal of both of these to hold official intercommunion with the Church of England, is a solid and disturbing fact. It suggests anything but a system of branches belonging to the same trunk.

With Rome, Anglicans as a rule despair of any *rapprochement*, supposing that they desire any. They know that none could be effected, except one of unconditional submission to the spiritual authority of the Holy See. Their attitude, consequently, towards the grapes of intercommunion with the Holy See at times resembles that of the fox in the fable. To Rome, as a former

Anglican Primate once expressed it, the Anglican Church 'cannot hold out the hand of fellowship.' But there have always been some Anglicans who have entertained the hope that the 'Orthodox Church' of the East might prove somewhat less unyielding, and at all events remove the reproach of isolation from the English Church by treating it more or less on a footing of equality. Courtesies of a quasi-religious character have from time to time been politely exchanged between members of the two bodies, and to an extent that would hardly be possible on the part of Catholic prelates towards Anglican ecclesiastics as such. The reception accorded by the Russo-Greek Church to the late Dr. Creighton, Anglican Bishop of London, when attending the coronation of the Czar, is a case in point.

But despite such amenities indulged in by the Greek, which Catholics are prone to regard as unprincipled religious coquetry, every now and again the Anglican Church has received at the hands of their Oriental friends a rude awakening from the dream of intercourse—that is, whenever serious business seemed to be intended by Anglicans. Since the starting of the Reformation it has been the fate of Protestantism to be repelled as heretical by the Easterns, as, for example, in the sixteenth century, when the Tübingen reformers made overtures to Jeremias, Patriarch of Constantinople. The result was a detailed refutation and condemnation of the Augsburg Confession, especially in its rejection of all Sacraments properly so called, except 'Baptism and the Lord's Supper.'[1]

Similarly, in the seventeenth century, the Calvinists, making use of the unfaithful Patriarch Cyril Lucaris, sought to spread the errors of the Reformation among

[1] This error is taught in Article XXV., 'Articles of Religion,' Book of Common Prayer.

the Greek schismatics. Lucaris adopted their teaching, notably as regards the number of the Sacraments, and for this he was condemned and deposed by the whole Greek Church in the Council held in 1638, under Cyril Cantaru.

The Rev. William Palmer, an Anglican clergyman who died a Catholic, found the same difficulty when, in the first half of last century, he sought recognition for Anglicanism from the Russo-Greek Church.[1]

This unpleasant disillusionment was lately renewed, and in the most emphatic terms, in connection with the Pan-Anglican Congress of 1908. Certain polite generalities uttered by one or two schismatical Greek prelates in Palestine had suggested to organizers of the Congress the advisability of making reference to the Greek Church in a paper on 'Possibilities of Intercourse with Particular Churches,' which stood upon the programme. The Anglican Bishop of Jerusalem, Dr. Blyth, seems to have thought it prudent first to sound the views of His Beatitude the Eastern Patriarch of Jerusalem regarding the aforesaid 'possibilities.' A communication was accordingly addressed to the Eastern prelate, setting forth the facts of the circumstances, and asking whether His Beatitude would approve of intercourse between the two Churches being discussed on the basis of 'formal recognition between the two Churches of the validity of Holy Baptism and Holy Orders.' Did His Beatitude sanction this basis for debate at the Congress?

Somehow or other the Patriarch's Greek—very Greek—reply had been seen by other than Anglican eyes, and a translation of the lengthy answer appeared in the *Tablet* for Saturday, December 14, 1907.

[1] See 'A Visit to the Russian Church,' by the late William Palmer, M.A. Kegan Paul, Trench and Co.

Benevolent Generalities.

It tells the same old story. The Greek is quite willing to talk benevolent generalities with representatives of the Anglican episcopate or clergy, and to be exceedingly polite and hopeful. But not an inch will he budge when it comes to real business, as Palmer found.

It would have spoken ill for the common-sense and historical knowledge of those who drew up the Anglican *communiqué* had they been altogether blind to the possibility of a rebuff. And they seem to have expressly provided for a safe retreat in case of need. 'The Anglican Bishop—*i.e.*, Dr. Blyth of Jerusalem—recognizes the fact that His Beatitude may not be able of himself to take the initiative in this matter, owing to political interference in intercommunion questions.' Thus, if His Beatitude declined to meddle with the question, his lack of open sympathy might be put down to fear of political complications, and not at all to conscientious reasons of a theological character. Or, to put it plainly, the communication appeared to some as intended to forestall the criticism which a rebuff might excite among the unfriendly, to the effect that the Orthodox Patriarch, in his heart of hearts, regarded Anglicans as little better than schismatics in rebellion against their Western Patriarch—the Pope—and heretics in point of doctrine.

The rebuff, alas! was given. But, contrary to the Anglican surmise, His Beatitude was quite equal to acting on 'his own initiative,' and found ample reasons, of a purely theological and non-political character, for refusing to have anything to do with the 'Pan-Anglican Synod' or its paper on 'Possibilities of Intercourse.'

Some Extracts.

Here are some extracts from the answer of the Jerusalem Patriarch, which will need little comment.

The Patriarch says: 'We cannot give an affirmative reply to the question contained in this communication about the validity of Baptism and Orders in the Anglican Church. . . . We have belonging to us men who have looked deeply into these questions, and have demonstrated, both from canonical and other considerations, the impossibility of the complete recognition of the validity of both these Sacraments, which are consummated in the Anglican Church after a method of its own. And hitherto, as often as this question has presented itself in our Church, a justifiable caution has always been displayed. Various reasons do not permit the Eastern Orthodox Church to accept, without being on her guard, the validity of the baptism of Anglicans, though performed at times with true elevations and immersions.' The Eastern's misgivings evidently extend even to Anglican administration of Baptism, although, apparently, on the erroneous supposition that no baptism can be valid unless performed by the method of 'immersion.' For the question proposed to His Beatitude was about the validity, and not merely the lawfulness, of the baptismal rite. We are not aware that Anglicans baptize by immersion at all. The Baptist sect does, and perhaps the Patriarch, with insufficient care for the susceptibilities of Anglicans, was confusing the two bodies together under the common name of Protestant. 'The same reasons,' he continues, 'hold good in relation to the question of the orders of Anglicans.' Clearly it is not Rome alone that sets little value upon Anglican ordinations. 'Our Church . . . has the profoundest sentiment of rigid orthodoxy, and that

which is befitting *in order to preserve this deposit uninjured.*'

The General Aspect.

The Patriarch had a word to add concerning the general aspect of the question raised by the Anglican Bishop.

'Then, only will questions of this kind be dealt with successfully when they are stated not separately, but collectively, when the proposal is made by the entire Anglican Church to the entire Eastern Orthodox Church, and when they are put forward for examination, not alone and by themselves, but together with all the remaining ones.' From this very sensible observation it appears that His Beatitude objected to such grave matters being handled in a hole-and-corner way by an individual Anglican Bishop of Jerusalem. Perhaps, too, he was not unaware that there are such things as violent differences of opinion between Anglican schools of thought, and preferred, if possible, to get at the one mind of 'the entire Anglican Church.' Again, 'It is impossible—while there is no previous unity and communion existing between the two Churches—that such serious questions should be examined independently. Only, then, will a result of this kind be rendered possible when the question of unity has been placed upon its legitimate foundation, and the Church of Jerusalem, in common with the rest of her Orthodox sister churches, has been invited to this work, and has engaged in it with joint brotherly intelligence.' Not an over-obscure way of intimating that the Anglican faith must be tested by 'Orthodox' standards before any other questions can be satisfactorily dealt with.

Here Anglicanism will find no difference between the official attitude of the Greek Church and of the Latin.

Both say equivalently to the English Church: 'You must be with us entirely, or not at all.' The ignoring of the Anglican 'Church of Jerusalem,' in the last quotation, is not without its point.

In fact, on High Church principles, the Church of England, in sending Dr. Blyth to function as a bishop at Jerusalem, has intruded him schismatically into the jurisdiction of lawful episcopal authority already in possession there. If, in the Anglican view, our Catholic Bishops in England are schismatical interlopers—an 'Italian mission' (like St. Augustine's?)—because the Anglican Bishops were already in the field when the Catholic hierarchy was re-established under Dr. Wiseman, then the same sauce is good for the Anglican Bishopric of Jerusalem.[1]

[1] We may here recall John Henry Newman's statement that the establishment of the Protestant Jerusalem Bishopric 'was the third blow which finally shattered my faith in the Church of England' (*Apologia*, c. iii., p. 43. Longmans).

II.

THE CHURCH OF ENGLAND AND 'DECEASED WIFE'S SISTER' ACT, 1907.

THE lawsuit, Banister *v.* Thompson, in which Mr. Alan Banister sued Canon Thompson, of the Norwich diocese, for denying him Holy Communion on the ground of his recent marriage with his deceased wife's sister, was a natural sequel to a collision of views between the Established Church as represented by the Anglican Canon, and the Marriage Act which came into force August 28, 1907, by which marriage with a deceased wife's sister was declared legal. The Anglican Bishop of Norwich had sanctioned the course adopted by Canon Thompson.

The Reformed Church of England, as by law established, has, for the most part, held all along that marriages of the above kind are forbidden by the *Divine* law in the Bible. It is true there are not wanting Anglican ecclesiastics who dispute this. But, on the whole, and as far as its mind can be accurately gauged, the Church of England seems to regard such unions as contrary to the law of God, and hence as being in no case allowable.

The teaching of the Catholic Church, however, is quite different. The Church—who claims a Divine commission to expound the Scriptures — has never regarded these marriages as opposed to any *Divine* law. She has, nevertheless, always declared them invalid by her own legislation, unless contracted under a dispensation granted by

her for sufficiently weighty causes. Where previous marriage with a sister (or a brother) of the new partner has been 'consummated,' the *ecclesiastical* impediment invalidating the second marriage is one of 'Affinity.' Where it has not been 'consummated,' the impediment is one of 'Public Decency,' arising from a nuptial union of minds and hearts merely, which induces a kind of 'mental' affinity.

During the debate in the Lords on Lord Dunraven's Bill, June, 1894, Dr. Benson, late Anglican Archbishop of Canterbury, astonished all instructed Catholics by volunteering the following explanation: 'The question has been asked whether marriage with a deceased wife's sister would have been allowed by the Church of Rome if the Papal See had understood it to be forbidden in the Divine law. The question shows a strange misapprehension of the claims of the Papal See. The theory is that the Pope is the Vicar of Christ, and that *therefore he can dispense with things that may be forbidden in the Divine law.*' (!)

The 'misapprehension' was plainly on the side of the Archbishop, and not of the questioner, whose point may well have been that the constant teaching of the Catholic Church, that no Divine law was involved, supplied serious reasons for doubting the soundness of the Anglican view.

The reason for the attitude adopted by the English Church is not far to seek. If she is effectually to maintain, in the midst of a communion growing ever more impatient of clerical control, the prohibition against marriage with deceased wife's sister, she has little chance of success except by appealing to an immutable law of God. No appeal to her own enactments will meet the case. For the Established Church, having been bound by Henry VIII. and Elizabeth hand and foot to the

chariot of the State, it must go whither State legislation drives. For she has absolutely no independent legislative power of her own, still less the means of enforcing its decisions. Hence, any purely ecclesiastical rule she may make or quote against such unions can have no practical force whatever, unless sanctioned and backed by the temporal authority of the State exercised through Acts of Parliament. The only hope, therefore, lies in persuading her people that the law of God Himself bars the way. This course, however, has a very grave disadvantage and peril, as the *cause célèbre* in question has shown. Given that a more or less un-Christian-minded body of M.P.'s, using its right of private judgment, decides to ignore the Church of England's exposition of God's law, and legislates to the contrary, a deadlock at once ensues between the State and its Church. Now, it is just this *impasse* that Canon Thompson (or his Bishop) has brought about by denying Anglican Holy Communion to Mr. Alan Banister, as if he were 'a notorious evil liver' for abiding nuptially with his present lady, sister of his deceased wife. For on the case being tried by the Dean of the Court of Arches—a lay judge in spiritual and ecclesiastical causes—the Canon was adjudged guilty of wrongdoing in refusing Communion, and 'was to be admonished' for it. The admonition, of course, virtually extended to the Canon's Bishop, who had sanctioned the refusal.

At the time of writing, the press has just informed us that Mr. Banister has once more applied for Communion, at Eaton, and has again been refused the Anglican Sacrament, this time by a curate acting upon Canon Thompson's instructions. One or two other Anglican clergymen are quoted as denying the unlawfulness of these marriages, and as sympathizing with the

Banisters—one of them upon the ground that private judgment is permitted to the Anglican in religious matters. That principle is genuinely Protestant, and wholly logical, as far as it goes. But it should go further—to the point of rejecting the idea of a Church altogether. For, if the final appeal is to private judgment, then a Church of any sort is altogether a costly superfluity. One does not need all the paraphernalia of a Church in order to do just what one likes.

The words of Christ: 'He that heareth you heareth Me: and he that despiseth you despiseth Me'; and again, 'And if he will not hear the Church, let him be to you as the heathen and the publican,' set up a different ideal as to the position of the True Church of the Gospels. And unless history be read upside down, this was the pre-Reformation English Churchman's ideal too. But, as all can see, this ideal is realized only in that Church which acknowledges the sway of St. Peter's successor in the See of Rome, as our English ancestors unquestionably acknowledged.

Does it not appear like a nemesis that the Reformed Church of England should now find itself in trouble on account of this particular kind of matrimonial problem—one so closely allied to the cause of Henry VIII.'s rebellion against the Holy See? Katherine of Aragon had previously been married amidst great pomp and rejoicing, to Henry's brother, Arthur, in St. Paul's. Prince Arthur survived his marriage only six months, and, as Henry himself afterwards confessed, his bride, Katherine, came to him a virgin. Affinity, therefore, between them there was none. But there did subsist between them the nearest approach to it, the impediment of 'Public Decency' springing from union of minds in true and valid nuptials.

When Henry lusted after Anne Boleyn, he no doubt endeavoured to persuade himself that such mere 'mental' affinity gave rise to an impediment ordained by the Divine law. For, in his late-found and hypocritical 'scruples,' he treated the papal dispensation, which he had sought and obtained, as of no value, which it would have been if a law of *God* had stood in the way of his union with Katherine. As the Holy See could not stultify its own dispensation, and virtually brand Katherine as incestuous, Henry was fain to be his own Pope. A servile Parliament, at his furious bidding, thereupon disowned the centre of Catholic unity and of spiritual authority, the Holy See, and handed over the Church in England, in chains, to the unscriptural Royal Supremacy.

And now another English Parliament has, by the mouth of the lay Dean of Arches, recalled to this same Church the historic circumstances of her birth. It has reminded her that she is still what the Protestantizing Tudors made her, a creature of the State. For all her present aspirations after *independent* spiritual authority, and even after a sort of Pan-Anglican papacy, she must not venture to 'bind,' in matrimonial causes, where Parliament chooses to 'loosen.' Thus the State has 'improved upon' the Gospel declaration, and equivalently tells the law-makers in Parliament—be they Christians, theists, or unbelievers—'Whatever you shall bind in Parliament shall be bound also in the Church of England: and whatever you shall loosen in Parliament, shall be loosened also in the Church of England.'

The mystery is how any thinking Christian can care to claim membership with a spiritual society lying helplessly in the grip of a temporal State, which declares that to be lawful which the said Church holds to be an incestuous

violation of God's law. According as Anglicans take the present deadlock seriously or not, surely we have in such a situation either the germs of disestablishment and freedom from State control, or else the promise of still deeper depths of basest Erastianism.

III.

INVALIDITY OF CLANDESTINE MIXED MARRIAGES.

All 'clandestine' marriages are now *null* and *void* with the exception of 'mixed' marriages of *Germans, held in Germany*, and a special case mentioned in the new decree, where a priest cannot be had for the period of a month. But reference is here made to 'mixed' clandestine marriages for a particular reason.

There are some Catholics who seem to regard the invalidity of such clandestine unions introduced into England and some other lands by the New Matrimonial Laws of Pius X. as an almost intolerable grievance.

That the said effect of the decree 'Ne Temere' is a most grave one cannot be denied, although its introduction is due rather to the removal of a local exemption from an old general law of the Church than to newly-found legislation. Of the expediency of this removal the Holy See is the final judge. The effect is very serious, and one needing the careful notice of those contemplating 'mixed' marriages. Whether it be a grievance or not is quite another question.

Let us see how matters stood before the recent enactments, and how they stand now. Take the case of Mary, a Catholic, who is about to marry John, a reputedly baptized non-Catholic. Whether on his own account, or in deference to the clamouring, or perhaps threats of temporal penalties, on the part of ultra-

Protestant relatives, John declines to be married before a Catholic priest. As the marriage is not to take place in Catholic fashion, Mary will not obtain the gravely necessary dispensation from the Bishop, even if she seek it. The marriage takes place according to John's wishes.

Now, previous to the decree, their marriage, though not celebrated according to Catholic conditions, would, at all events, have been a real marriage—albeit gravely *illicit*—and John and Mary would have returned from the ceremony true man and wife before God. But now, after the decree, Mary does *not* become a wife at all (and John, consequently, not a husband), but she begins domestic life a dishonoured woman, alas! and so regarded by all her properly instructed Catholic friends and neighbours.

Surely, say some, this is a terrible grievance! Besides, under the old suspension of the Tridentine law against 'clandestinity,' if Mary afterwards wished to right herself before the Church, she had but to go privately to Confession to a priest competent to deal with the case and obtain absolution. Now, however, the 'marriage' itself needs rectification, and this cannot be effected without the co-operation of John, who (or his influential relatives) may still be as strongly opposed to what he calls 'priestly interference' as he was originally.

Certainly Mary finds herself in a terrible fix. But does she merit all the commiseration which some seem disposed to lavish upon her? Is there not in our day a tendency to concentrate all our pity upon the deliberate offender? Let us weigh the matter calmly in the light of Catholic truths. It should be observed, first of all, that it is not the *new* legislation that *begins* to put Mary in the wrong. She would still be sinning grievously under

the old system. What the new laws do is to make the *consequences* of her deliberate wrong-doing heavier to her (and they probably will act as a deterrent from that wrong-doing with many). She cannot land herself in so terrible a predicament except by conduct which was always—and apart from the decree—grievously sinful. Apart from the new rules, a mixed marriage at the Registrar's between two baptized persons was *necessarily* a Sacrament (of which the parties themselves, and not priests, are the ministers), as we have seen already.

To receive a Sacrament in mortal sin is a sacrilege, and this is what people commit who enter upon Holy Matrimony in defiance of the laws of Christ's other Self—the Catholic Church—to whom alone the guardianship of Sacraments has been entrusted by Our Lord.

It is true that under the late decree Mary does not receive a Sacrament in a state of sin, because she receives none at all—is not really married. But, at all events, she openly disregards the command of the Church requiring that she should be dispensed in order to marry a non-Catholic, requiring also that a priest should bless the marriage.

Further, if the marriage ceremony be held in a non-Catholic place of worship, or be performed by a non-Catholic clergyman, she adds the specially grievous sin of co-operation in non-Catholic religious rites. Both these wrongs were done even *previous* to the decree. Hence, those who, after the new legislation, find themselves in the additional predicament of not even being lawfully wedded, have reached so sad a pass only by riding roughshod over Catholic duties binding their consciences under pain of mortal sin. We surely need to be on our guard lest our natural pity for a terrible misfortune lead us to make more account of the incon-

venience and disgrace resulting to the offender under the new laws than of the offence of God, disobedience to the Bride of Christ, and sacrilegious reception of a Sacrament which occurred under the old ones.

Is it not a good thing, too, that the late decree should have practically abolished a deadly snare besetting any weak-kneed Catholic party to a 'mixed' marriage? Formerly, he (or she), while weakly consenting to the sin of clandestine marriage, was in great danger of salving the conscience with this reflection: 'I know it's wrong of me to marry in this fashion; but then, I can go quickly to Confession afterwards and make it all right' (!). And since a recurrence of 'mixed' marriage in the future would hardly seem to the offender to lie within the sphere of practical politics, he (or she) would be prone to pay scanty heed to the *reality* of the *purpose of amendment* needed for true repentance. (N.B.—This does not mean that true repentance was *impossible* in such cases.)

With regard to the greater difficulty in righting the clandestine union created by the decree 'Ne Temere,' it is clear that it will sometimes prove insuperable on account of the non-Catholic's unwillingness. But then, it is not in matrimonial affairs only that people may, by wilful misdoing, get themselves into a mess, from which it is well nigh impossible to extricate them. That is part of the responsibility attaching to human action. There is no necessity in the nature of things that people should *always* be able to escape from the consequences of their own sin. And although we may rightly feel compassion for them in their desperate straits, we do not necessarily regard their finding themselves in the same as a justifiable grievance. They make their own bed, and may have to lie in it, unless the mercy of God open to them some

unlooked-for way of escape. At the same time, the rectification of these invalid unions is by no means so universally hopeless as pessimists may imagine. A little management, the choice of a favourable moment, will often obtain from the non-Catholic all the essentials for righting matters, as the experience of priests has already proved. It has been shown in the body of this volume that these essentials need not involve any public humiliation.

Nothing has been said here of the far more deplorable case where sheer ignorance of the recent legislation has been the cause of one of these matrimonial disasters. Yet even here the unfortunate parties cannot have fallen into the predicament except through neglect on the Catholic's part of pre-existing duties—*e.g.*, of applying for a dispensation. Had the priest been referred to, he would have been able to warn the Catholic of the changes effected by Pius X. and of their grave consequences.

One thing stands out most clearly from the above considerations—namely, the importance, now greater than ever, of *clearly* and *repeatedly* instructing young 'marriageables' upon Holy Matrimony, and upon the *real authority over the conscience* given by Christ to His Church in the matter of legislation. *It is a feeble grasp of this truth, far more than ignorance of the laws governing Christian marriage, that leads to nuptial catastrophes of the present kind.* Our daily converse with non-Catholics, our non-Catholic and anti-Catholic reading, and the practice of the Protestant laws of England regarding marriage, all constantly tend to dim a Catholic's reverence for the Divinely-given authority of the Church of Christ.

IV.

DECREE CONCERNING SPONSALIA AND MATRIMONY.[1]

ISSUED BY THE SACRED CONGREGATION OF THE COUNCIL BY THE ORDER AND WITH THE AUTHORITY OF OUR HOLY FATHER POPE PIUS X.

THE Council of Trent, *Cap. I., Sess. XXIV. de reform. matrim.*, made prudent provision against the rash celebration of clandestine marriages, which the Church of God for most just reasons has always detested and forbidden, by decreeing: 'Those who otherwise than in the presence of the parish priest himself or of another priest acting with the licence of the parish priest or of the ordinary, and in the presence of two or three witnesses, shall attempt to contract matrimony, the Holy Synod renders them altogether incapable of contracting marriage thus, and decrees that contracts of this kind are null and void.'

But as the same Sacred Council prescribed that the said decree should be published in all the parishes, and was not to have force except in those places in which it had been promulgated, it has happened that many places in which the publication has not been made have been deprived of the benefit of the Tridentine law, and are still without it, and continue to be subject to the doubts and inconveniences of the old discipline.

[1] Authorized version.

Nor has all difficulty been removed in those places where the new law has been in force. For often there has been grave doubt in deciding as to the person of the parish priest before whom a marriage is to be celebrated. The canonical discipline did, indeed, decide that he is to be regarded as the parish priest in whose parish one or other of the contracting parties has his or her domicile or quasi-domicile. But as it is sometimes difficult to judge whether a quasi-domicile really exists in a specified case, not a few marriages were exposed to the danger of nullity; many, too, either owing to ignorance or fraud, have been found to be quite illegitimate and void.

These deplorable results have been seen to happen more frequently in our own time on account of the increased facility and celerity of intercommunication between the different countries, even those more widely separated. It has therefore seemed expedient to wise and learned men to introduce some change into the law regulating the form of the celebration of marriage, and a great many Bishops in all parts of the world, but especially in the more populous States where the necessity appears more urgent, have petitioned the Holy See to this end.

It has been asked also by very many Bishops in Europe, as well as by others in various regions, that provision should be made to prevent the inconveniences arising from *sponsalia*—that is, mutual promises of marriage, privately entered upon. For experience has sufficiently shown the many dangers of such *sponsalia*—first, as being an incitement to sin and causing the deception of inexperienced girls, and afterwards giving rise to inextricable dissensions and disputes.

Influenced by these circumstances, our Holy Father Pope Pius X., desiring, in the solicitude he bears for all the churches, to introduce some modifications, with the

object of removing these drawbacks and dangers, committed to the Sacred Congregation of the Council the task of examining into the matter, and of proposing to himself the measures it should deem opportune.

He was pleased also to have the opinion of the commission appointed for the codification of Canon Law, as well as of the eminent Cardinals chosen on this special commission for the preparation of the new code, by whom, as well as by the Sacred Congregation of the Council, frequent meetings have been held for this purpose. The opinions of all having been taken, His Holiness ordered the Sacred Congregation of the Council to issue a decree containing the laws approved by himself, on sure knowledge and after mature deliberation, by which the discipline regarding *sponsalia* and marriage is to be regulated for the future, and the celebration of them carried out in a sure and orderly manner.

In execution, therefore, of the Apostolic mandate, the Sacred Congregation of the Council by these letters lays down and decrees as follows:

Concerning Sponsalia.

I. Only those are considered valid and produce canonical effects which have been contracted in writing signed by both the parties and by either the parish priest or the ordinary of the place, or at least by two witnesses.

In case one or both the parties be unable to write, this fact is to be noted in the document, and another witness is to be added who will sign the writing as above, with the parish priest or the ordinary of the place or the two witnesses.

II. Here and in the following articles, by parish priest is to be understood not only a priest legitimately presiding over a parish canonically erected, but in regions where

parishes are not canonically erected the priest to whom the care of souls has been legitimately entrusted in any specified district, and who is equivalent to a parish priest; and in missions where the territory has not yet been perfectly divided, every priest generally deputed by the superior of the mission for the care of souls in any station.

Concerning Marriage.

III. Only those marriages are valid which are contracted before the parish priest or the ordinary of the place or a priest delegated by either of these, and at least two witnesses, according to the rules laid down in the following articles, and saving the exceptions mentioned under VII. and VIII.

IV. The parish priest and the ordinary of the place validly assist at a marriage:

(i.) Only from the day they have taken possession of the benefice or entered upon their office, unless they have been by a public decree excommunicated by name or suspended from office;

(ii.) Only within the limits of their territory, within which they assist validly at marriages not only of their own subjects, but also of those not subject to them;

(iii.) Provided when invited and asked, and not compelled by violence or by grave fear, they demand and receive the consent of the contracting parties.

V. They assist licitly:

(i.) When they have legitimately ascertained the free state of the contracting parties, having duly complied with the conditions laid down by the law;

(ii.) When they have ascertained that one of the contracting parties has a domicile or at least has lived for a month in the place where the marriage takes place;

(iii.) If this condition be lacking, the parish priest and

the ordinary of the place, to assist licitly at a marriage, require the permission of the parish priest or the ordinary of one of the contracting parties, unless it be a case of grave necessity which excuses from this permission;

(iv.) Concerning persons without fixed abode (*vagos*), except in case of necessity it is not lawful for a parish priest to assist at their marriage, until they report the matter to the ordinary or to a priest delegated by him and obtain permission to assist;

(v.) In every case let it be held as the rule that the marriage is to be celebrated before the parish priest of the bride, unless some just cause excuses from this.

VI. The parish priest and the ordinary of the place may grant permission to another priest, specified and certain, to assist at marriages within the limits of their district.

The delegated priest, in order to assist validly and licitly, is bound to observe the limits of his mandate and the rules laid down above, in IV. and V., for the parish priest and the ordinary of the place.

VII. When danger of death is imminent, and where the parish priest or the ordinary of the place or a priest delegated by either of these cannot be had, in order to provide for the relief of conscience and (should the case require it) for the legitimation of offspring, marriage may be contracted validly and licitly before any priest and two witnesses.

VIII. Should it happen that in any region the parish priest or the ordinary of the place or a priest delegated by either of them, before whom marriage can be celebrated, is not to be had, and that this condition of things has lasted for a month, marriage may be validly and licitly entered upon by the formal declaration of consent made by the spouses in the presence of two witnesses.

IX. (i.) After the celebration of a marriage the parish priest, or he who takes his place, is to write at once in the book of marriages the names of the couple and of the witnesses, the place and the day of the celebration of the marriage, and the other details, according to the method prescribed in the ritual books or by the ordinary; and this even when another priest, delegated either by the parish priest himself or by the ordinary, has assisted at the marriage.

(ii.) Moreover, the parish priest is to note also in the book of baptisms that the married person contracted marriage on such a day in his parish. If the married person has been baptized elsewhere the parish priest who has assisted at the marriage is to transmit, either directly or through the episcopal curia, the announcement of the marriage that has taken place, to the parish priest of the place where the person was baptized, in order that the marriage may be inscribed in the book of baptisms.

(iii.) Whenever a marriage is contracted in the manner described in VII. and VIII., the priest in the former case, the witnesses in the latter, are bound conjointly with the contracting parties to provide that the marriage be inscribed as soon as possible in the prescribed books.

X. Parish priests who violate the rules thus far laid down are to be punished by their ordinaries according to the nature and gravity of their transgression. Moreover, if they assist at the marriage of anybody in violation of the rules laid down in (ii.) and (iii.) of No. V., they are not to appropriate the stole fees, but must remit them to the parish priest of the contracting parties.

XI. (i.) The above laws are binding on all persons baptized in the Catholic Church and on those who have been converted to it from heresy or schism (even when either the latter or the former have fallen away afterwards

from the Church) whenever they contract *sponsalia* or marriage with another.

(ii.) The same laws are binding also on the same Catholics as above if they contract *sponsalia* or marriage with non-Catholics, baptized or unbaptized, even after a dispensation has been obtained from the impediment *mixta religionis* or *disparitatis cultus*, unless the Holy See decree otherwise for some particular place or region.[1]

(iii.) Non-Catholics, whether baptized or unbaptized, who contract among themselves, are nowhere bound to observe the Catholic form of *sponsalia* or marriage.

The present decree is to be held as legitimately published and promulgated by its transmission to the ordinaries, and its provisions begin to have the force of law from the solemn feast of the Resurrection of Our Lord Jesus Christ, next year (1908).

Meanwhile, let all the ordinaries of places see that this decree be made public as soon as possible, and explained in the different parochial churches of their dioceses, in order that it may be known by all.

These presents are to have force by the special order of our Most Holy Father Pope Pius X., all things to the contrary, even those worthy of special mention, notwithstanding.

Given at Rome on the 2nd day of August in the year 1907.

✠ VINCENT, Cardinal Bishop of Palestrina, *Prefect.*
C. DE LAI, *Secretary.*

[1] *The Holy See has since decided* (*Feb.* 1, 1908) *that the only local legislation to the contrary still remaining in force is the decree 'Provida,' of Pius X., according to which clandestine 'mixed' marriages of Germans in Germany are still* valid, *though, of course, gravely sinful.*

INDEX.

Abbreviations, Signs, Method.—The Arabic numerals refer to *pages*, not to the numbers of 'Letters' or chapters.

f. placed after the page number = see footnote.

ibid. = same page—*i.e.*, the last mentioned. *imped.* = matrimonial impediment.

In case of supplementary or 'cross' reference, the page is generally given, to save sending the reader to another part of the index. If, however, the treatment of the point sought for extend over several divisions in the text, the index heading —to which the point belongs, and under which its various divisions will be found set forth in detail—is also added. Thus, for example, if the reader looks in the index for 'Vocation,' he will find the page given and the words 'See **Holy Orders**,' under which heading the *various points* about 'Vocation' will be found, with their respective pages.

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